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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES OFFICIAL REPORT

SECOND SERIES

VOLUME XXVIII

1947-48

FOURTH SESSION

20th October, 1947, to 16th January, 1948

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List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR, SIR P. E. MITCHELL, G.C.M.G., M.C.
(1)

Ex Officio Members:

CHIEF SECRETARY (HON. J. D. RANKINE, C.M.G.). (2)
ATTORNEY GENERAL (HON. S. W. P. FOSTER SUTTON, O.B.E., K.C.). (3)
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.).
(4).
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).
MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G. (Member for
Agriculture, Animal Husbandry and Natural Resources).
HON. MBRARAK ALI HINAWY, O.B.E. (Specially appointed to represent
interests of Arab Community).
HON. J. B. HOBSON (SOLICITOR GENERAL). (5)
HON. A. HOPE-JONES (Economic and Commercial Adviser).
HON. W. K. HORNE. (6)
HON. C. E. MORTIMER, C.B.E. (Member for Health and Local
Government).
HON. J. C. MUNDY, C.M.G. (Commissioner for Inland Revenue).
HON. C. H. THORNLEY (DEPUTY CHIEF SECRETARY). (7)

European Elected Members:

HON. W. A. C. BOUWER, Uasin Gishu.
HON. S. V. COOKE, Coast.
HON. G. M. EDEY, Nyanza.
MAJ. THE HON. F. H. 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. E. A. VASEY, C.M.G., Nairobi North.
HON. SIR ALFRED VINCENT, Nairobi South.
HON. MRS. O. F. WATKINS, Kiambu. (8)
HON. E. H. WRIGHT, Aberdare, Acting. (9)
HON. W. F. O. TRENCH, Rift Valley, Acting. (10)

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

Indian Elected Members:

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

Arab Elected Member:

HON. SHEIKH ABDULLA SALIM

Nominated Unofficial Members:

Representing the Interests of the African Community:

HON. E. W. MATHU.
HON. B. A. ODIANGA.

Acting Clerks to Council:

W. Padley, Esq., O.B.E.
A. M. Wilkie, Esq.

Reporters:

Mr. A. H. Edwards
Miss Bennitt

- (1) *Vice* Sir G. M. Rennie, C.M.G., M.C., on return from leave.
- (2) *Vice* Sir G. M. Rennie, C.M.G., M.C., promoted Governor of Northern Rhodesia.
- (3) *Vice* Hon. J. B. Hobson on return from leave.
- (4) *Vice* Sir R. E. Robins, C.M.G., O.B.E., appointed Member for Transpout, East Africa High Commission, 1st January, 1948.
- (5) *Vice* Mr. H. E. Stacey on reversion to Solicitor General.
- (6) *Vice* Mr. J. C. Rammell, Conservator of Forests, and appointed President of Council.
- (7) Reverted to Deputy Chief Secretary.
- (8) Died, 6th December, 1947.
- (9) *Vice* Mr. J. G. H. Hopkins, O.B.E., on return from leave.
- (10) *Vice* Mr. M. Blundell on return from leave.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS:

1947—

21st to 23rd October—

Hon. Member for Arab Area.

24th October—

Hon. Commissioner of Customs,
Hon. Member for Usain Gishu.
Hon. Member for Nyanza.
Hon. Member for Trans Nzoia.
Hon. Member for Eastern Area (Dr. Rana).
Hon. Member for Arab Area.

3rd November—

Hon. Commissioner of Customs.
Hon. Member for Arab Area.

4th November—

Hon. Financial Secretary.
Hon. General Manager, K.U.R. & H.
Hon. Commissioner of Customs.
Hon. Deputy Chief Secretary.
Hon. Member for Aberdare.
Hon. Member for Arab Area.

5th November—

Hon. Commissioner of Customs.
Hon. Member for Arab Area.

6th November—

Hon. Attorney General.
Hon. Commissioner of Customs.
Hon. Member for Health and Local Government.
Hon. Member for Mombasa.
Hon. Member for Rift Valley.
Hon. Member for Arab Area.

24th to 26th November—

Hon. Member for Arab Area.

27th November—

Hon. Economic and Commercial Adviser.
Hon. Member for Arab Area.

28th November—

Hon. Attorney General.
Hon. Acting Labour Commissioner.
Hon. Economic and Commercial Adviser.
Hon. Member for Arab Area.

2nd December—

Hon. General Manager, K.U.R. & H.
Hon. Economic and Commercial Adviser.
Hon. Commissioner for Inland Revenue.
Hon. Member for Arab Interests.
Hon. Member for Kiambu.
Hon. Member for Eastern Area (Mr. Patel).
Hon. Member for Arab Area.

22nd December—

Hon. Director of Public Works.
Hon. Commissioner of Customs.
Hon. Solicitor General.
Hon. Member for Arab Interests.
Hon. Member for Usain Gishu.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTING—
(Contd.)

Hon. Member for Nyanza.
Hon. Member for Ukamba.
Hon. Member for Trans Nzoia.
Hon. Member for Aberdare.
Hon. Member for Rift Valley.
Hon. Member for Arab Area.
Hon. Member for African Interests (Mr. Mathu).

1948—

8th January—

Hon. Commissioner of Customs.
Hon. Deputy Chief Secretary.
Hon. Solicitor General.
Hon. Member for Arab Interests.
Hon. Member for Rift Valley.
Hon. Member for Eastern Area (Dr. Rana).
Hon. Member for Arab Area.

9th January—

Hon. Commissioner of Customs.
Hon. Deputy Chief Secretary.
Hon. Solicitor General.
Hon. Member for Arab Interests.
Hon. Member for Eastern Area (Dr. Rana).
Hon. Member for Arab Area.

13th January—

Hon. Deputy Chief Secretary.
Hon. Solicitor General.
Hon. Commissioner of Inland Revenue.
Hon. Member for Arab Area.

14th January

Hon. Deputy Chief Secretary.
Hon. Solicitor General.
Hon. Member for Arab Area.

15th January—

Hon. Commissioner of Customs.
Hon. Deputy Chief Secretary.
Hon. Solicitor General.
Hon. Member for Arab Area.

16th January—

Hon. Commissioner of Customs.
Hon. Deputy Chief Secretary.
Hon. Solicitor General.
Hon. Economic and Commercial Adviser.
Hon. Member for Arab Interests.
Hon. Member for Trans Nzoia.
Hon. Member for Usain Gishu.
Hon. Member for Eastern Area (Mr. Pate).
Hon. Member for Arab Area.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FOURTH SESSION, 1947

Monday, 20th October, 1947

Council assembled in the Memorial Hall, Nairobi, at 11 a.m. on Monday, 20th October, 1947.

His Excellency the Governor (Sir P. E. Mitchell, G.C.M.G., M.C.) took the Chair at 11.04 a.m.

His Excellency opened the proceedings with prayer.

The Proclamation summoning the Council was read by the Clerk.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to: The Chief Secretary, Hon. J. D. Rankine, C.M.G.; the Deputy Chief Secretary, Hon. C. E. Thornley; the Solicitor General, J. B. Hobson, Esq.; W. K. Horne, Esq.

PRESENTATION OF INSIGNIA

By Command of His Majesty the King, His Excellency presented the insignia of: C.B.E. to Brigadier P. S. Myburgh, C.B.E., D.S.O., M.C.; C.B.E. to Brigadier R. A. Riddell, C.B.E.; O.B.E. to Lt.-Col. J. O. Hanwell, O.B.E. and Lt.-Col. F. R. Wilson, O.B.E.; M.B.E. to W.-Col. J. W. Aiken, M.B.E. and the Lady Sidney Farrar, M.B.E.; the British Empire Medal to S/Sgt. W. H. Nicholson; and the Efficiency Decoration to Major C. H. Redhead.

COMMUNICATION FROM THE CHAIR

His Excellency delivered the following Communication from the Chair:

Honourable members of the Legislative Council:

We are assembled here to-day for the usual autumn session, but an autumn session which on this occasion is of unusual significance and importance. Not only have we the very important Taxa-

tion Committee's findings to consider as well as the budget, but other legislation of a complex and difficult kind. Moreover, for the first time in the history of the Colony you will be meeting, after the conclusion of my address this morning, under the presidency not of the Governor but of a nominated President whose office it is intended should develop into that of Speaker of the Council. We have been very fortunate in securing the services of the Honourable Mr. Horne, recently retired from the Bench of the Supreme Court, for this important task, and I am confident that you will wish me, in extending a warm welcome to him, to promise him, on behalf of the whole Council, full support and co-operation in discharging his onerous duties as its President (Hear, hear.)

This is the last time on which this Council will assemble in its present form. When it is dissolved at the conclusion of our business, there will be a new general election, and, in addition, increased representation of Africans by Africans, the details of which have already been made public. The next Council will meet without an official majority. I do not believe that we shall encounter great difficulties because Government measures will not pass into law unless they receive a substantial measure of support from members other than the official members, for in fact it has long been the practice in this Council to endeavour to legislate by agreement rather than by majority voting. Obviously there may be occasions when agreement will not be unanimous, but I sincerely trust that when it is not, disagreement in the future will be less and less frequently along communal lines and more and more because of differences of opinion and point of view among members on political, financial, economic and administrative questions.

[H.E. the Governor]

Since the Government must be carried on, there must be powers of certification in reserve, but I regard it as very unlikely that they will have to be used; and I sincerely hope that in the two years of office that remain to me I may never have to use them. I feel sure that honourable members will themselves fully appreciate the need for understanding, co-operation and sympathy between the various groups in the Council in its new form. It is to discharge its heavy responsibilities to the Colony, and that it is in that spirit that they will approach their task.

We have to welcome today our new Chief Secretary, the hon. Mr. John Rankine, who has arrived to take the place of Sir Gilbert Rennie, of whom this Council took its leave at its last meeting with warm expressions of appreciation of his distinguished services. In assuring Mr. Rankine of a very warm welcome by this Council, I think I should take the opportunity of saying that it is my intention that he should succeed to the chairmanship of the Development and Reconstruction Authority and, in fact, should take up in all respects the position occupied by Sir Gilbert Rennie. It will be for him, in consultation with his colleagues, and especially with the Deputy Chief Secretary, to consider, as he settles into the saddle, if any adjustment or redistribution of responsibilities and functions is required by the facts of the current situation and to advise me thereon, but in the meantime the only change involved is the change of personalities.

There was recently an outbreak of violence at the Uplands Bacon Factory which had to be met with force by the Administration and Police in order to prevent a mob of hooligans from shedding blood and destroying property. I have studied the papers, and I wish to say with all solemnity, from the Chair of this Council, that they disclose in the first place a reckless and irresponsible hooliganism which no words that I can use can sufficiently condemn, and secondly, the most admirable firmness, fortitude, humanity and good sense on the part of the officers of the Administration, Regular Police, Tribal Police, and Labour Department, and in fact everyone concerned, of all races, in the course of their duties, in these events. (Hear, hear.) The

country is entitled to know how well its servants have served it in enforcing the law.

Because of that service, loss of life was reduced to a minimum and the disturbance was brought under control promptly. I must, however, say this, and I shall see that my words are given the widest possible publicity throughout the country, especially among those more ignorant members of the community who were misled by wicked men. I have said it before, in many parts of the country and I repeat it here: the Government will not tolerate attempts to subvert law and order, or, by the use of force, to compel agreement to demands and concessions to threats. It is a grave and lamentable thing when life is lost in the course of civil disturbances, but the forces of the Government will have no hesitation whatever in using the weapons with which they have been armed for the purpose of maintaining order and protecting life and property in every case in which it is necessary to do so, as it was unquestionably necessary recently at the Uplands Bacon Factory. That is what the forces of the Crown are for, and that is what the law-abiding citizen of all races is entitled to expect, and that is what will be done. The whole matter was reported to the Secretary of State, with copies of the judicial proceedings, and I think hon. members will be interested in the following words from his dispatch in reply:—

"I consider that the action taken in firing on the strikers was fully justified in the circumstances you describe, and that the Administrative and Police officers concerned exercised admirable restraint in the face of great provocation and of the risk of the most dangerous consequences to themselves."

There was another incident in Location 8 of the Fort Hall district towards the end of last month, in connexion with which I have deemed it right to appoint a Commission of Inquiry, and as the matter is still in a *sensu sub judice*, I will make no further reference to it here.

The budget for 1948 has had to be prepared under exceptional difficulties. First, it has had to be drawn in such a way as to provide for the budgetary consequences of the establishment of a High Commission for the common Services on the 1st January next; then, it has had

[H.E. the Governor]

to be drawn up at a time when the Plewman Committee was carrying out investigations which must affect it; and finally, during the past few weeks the financial and economic emergency which has developed has introduced new factors of grave importance. Accordingly, I would ask hon. members, when the expenditure estimates are laid before them, to bear in mind that they represent at this stage the financial commitments of the Government consequent upon decisions in past years, and particularly the proceedings of this Council in respect of the budget for 1947. Even to this statement there must be some qualifications, for while the budget must of course provide for services which the legislature has voted, it is in present circumstances frequently, in fact, impossible to carry them out, or, if they are new services, to inaugurate them. There is thus a substantial amount of expenditure provided for, both in the current and in the next year, which will not in fact be incurred.

I have only very recently received the report of the Plewman Committee, a report which I have read with the greatest interest and which appears to me to deserve an expression of our warm gratitude to those who compiled it (hear, hear), and especially to the distinguished Chairman of the Committee who came from South Africa to our assistance. It is gratifying that in a broad general sense the Committee is in agreement with the financial policy and practice of the Government while making important particular recommendations. I am not going to say anything more about it now, nor until Government has had more time to study it in the light of the views expressed in this Council by hon. members, as well as such indications of reactions by the general public outside the Council as there may be. But I can, I hope, safely say this, that obviously it is an authoritative document to which the greatest attention must be paid.

As regards the circumstances generally described as the dollar crisis, I fear I can say little that will be helpful at this stage, but since there have been indications in the Press that something which I said recently on landing at Mombasa has been misunderstood, I take this opportunity to clear up the matter. I said that there will have to be a restriction of imports of luxuries and a strict definition

of what is essential. Perhaps I over-expressed what I said. I meant that in the case of luxuries there are likely to be things which the United Kingdom authorities will wish to divert to hard currency countries; for example whisky and certain types of radio equipment. The wartime machinery in the United Kingdom for the direction of exports is no longer in existence, and although manufacturers will of course loyally do their best to comply with the wishes of His Majesty's Government, if direction of exports is to be fully effective it must be supported by complementary restrictions of imports to destinations which it is not desired to supply, and it is that type of restriction that I have in mind. As regards essential goods, on the other hand, it is obvious that if a thing is strictly essential it has got to be obtained from somewhere unless there is to be serious dislocation of the economy of the country, and especially of its productive capacity. But many things that are essential to us are essential also to other people and are likely to be in limited supply, and it is equally obvious, therefore, that we have a duty to use the word "essential" in a very restricted manner when we are competing for scarce essential goods, and to ask for the allocation to us only of what we really must have.

I do not at all suppose that trade restrictions in themselves can help; on the contrary, what the world wants is not less trade but more trade, more trade of all kinds. There will be no surplus of things which His Majesty's Government in the United Kingdom can spare from the home market for various reasons—for example motor cars—and which are not saleable in dollar countries to the full extent of production, and the more of those things that we are able to buy by means of our own production in East Africa, the better for all of us and for the manufacturers and work-people concerned. We are, in fact, part of the same monetary group as the United Kingdom, and as a matter of exchange and currency it is immaterial if goods are sold in Kennington or Kenya, but it may well be necessary to take steps to maintain a fair ratio of distribution between Kennington and Kenya or to see that goods which Kennington cannot absorb are not, for that reason only, left unsold when there is a market in Kenya.

[H.E. the Governor]

As I see it, all that we can usefully do at present is to take every possible step to give effect to the wishes of His Majesty's Government in the United Kingdom, in all measures that we take, in collaboration not only with the other East African territories but with producers and merchants in this country; and that means above all to avoid the expenditure of hard currencies and to expand productive activities. I wish the East African Assembly were in existence to-day, for I believe that between now and the end of the year a general East African debate would serve to bring to light and to clear up many aspects of the situation which may not be clear to everyone at the present time; but I hope that the Assembly will meet for the first time sufficiently early in 1948 to take an important part in the examination of these difficult questions.

It requires no great knowledge or insight to see that to describe the present state of affairs as a "dollar crisis" is to put it mildly, an understatement, since what it is in fact in process in the world is a general industrial, commercial and economic upheaval brought about in the main by the wholesale destruction of manufacturing capacity and wealth all over the world and the diversion of labour from production to destruction during the years of war.

But when that is recognized it remains true that there is really extremely little that we can do in a small group of tropical Colonies except to produce every useful thing which it is in our power to produce, to follow as loyally and as fully as we can the advice, or may be the directions, of the authorities in Great Britain as they are given to us, especially in the matter of hard currencies, and to husband our resources, personal and national, until we can see a little further into the future; indeed, personal saving is, I believe, so important that I hope it may be possible to revive the East African War Bonds Scheme as an East African Peace Bonds Scheme, so as to increase opportunities for prudent men and women to do their personal bit in reducing the very heavy pressure of demand on goods until manufacturing capacity has substantially recovered, and this we will take up at once.

Beyond that, in my own judgment, at this stage the most important thing that

we can do is to keep our feet on the ground, and our heads out of the clouds; by all means let us spend prudently, steer clear of extravagant or unproductive expenditure, and trim off the frills, but let us also resolutely and unperturbed go ahead with all productive projects and expenditures, keeping in the forefront of our thinking those that sound production and trade are the only sure foundations on which to build recovery, and that it is not by scuttling for cover that we shall win the battle. (Applause.)

Relating all this to our budget, it appears to me that hon. members are likely to reach the same conclusion as I have, and that is that we must mark us for the present with expenditures which are not directly related to productivity. That is a great deal easier to say in general terms than to define in particular, and I expect differences of opinion will develop on that account! Here I would only like to say what I have said before, that if expenditure is to be prevented from increasing, or to be reduced, services have got to be subject to exactly the same process. I do not personally think that the present level of services in this country would be extravagant in normal times, and it is certainly not anywhere near the needs of the country if they could be considered irrespective of cost; nevertheless, if hon. members desire a halt or a substantial diminution in expenditure, I shall have no objection provided their proposals are accompanied by an indication of the services to be halted or discontinued.

With those observations I propose to leave the question of the budget, summarizing what I have said in this way: that the budget as laid before you may have to be re-cast in the light of decisions taken in this Council, both on account of the recommendations of the Plewman Committee and also of the conclusions we are able to reach when we have had the advantage of an expression of the views of hon. members on the fiscal and economic situation which confronts us.

I would ask you to interpret the rest of what I have to say this morning subject to the limitations implicit in these general remarks.

His Majesty's Government in the United Kingdom have decided to establish in Kenya a Military Store Holding Organization for the reception of Army

[H.E. the Governor]

stores and equipment from the Middle East and India. Work has already started, and during 1948 is likely to develop to an extent that may well have a marked effect on the Colony's economy, in many respects similar to that which would be caused by the establishment of a major industry. It will involve the construction of a new road, and telecommunication services, and will place a heavy burden on the Railway Administration. It will also require the recruitment and subsequently the feeding, housing and administration of a large labour force. The labour market must to some extent be affected by this project, but I hope that labour will not be drawn away in large numbers from the agricultural areas and from established commercial and industrial enterprises. The War Department, I need hardly say, is anxious that its labour should be treated as well as that of the best employers in the Colony, and particular attention will be paid to the provision of welfare services for the large labour force employed at Mackinnon Road.

This project will involve the already overburdened taxpayers in the United Kingdom in heavy expenditure, and hon. members will be asked to consider what part of that expenditure, some of which will create assets such as roads of permanent value to this Colony, it would be right and proper for us to undertake. I hope that they may feel that the situation is such as to justify a substantial grant.

Apart from the purely financial aspect of the matter and which I have already referred, it is impossible at this stage to forecast with any degree of accuracy to what extent the economic emergency will interfere with the carrying out of the Development programme. The timing of the programme will have to be reviewed as soon as the import position becomes clearer, but I know of no grounds for believing that it will not be possible to place orders for the plant and equipment necessary for production or for projects ancillary to production.

The heavy rains of this year have placed a heavy strain upon our roads and brought to notice certain defects and weaknesses which are now under investigation by the Consulting Engineer, whose

report we must await. Meantime, I am glad to be able to inform hon. members that the Secretary of State and the Treasury have agreed in principle to the allocation of a sum of £1,775,000 under the Regional Allocation under the Colonial Development and Welfare Vote for the construction of the Great Trunk Road from the Rhodesian border into Uganda (hear, hear); of this sum, £460,000 is to be spent in Kenya. This generous appropriation will be of the greatest assistance to us, and will enable us to devote the funds recommended for roads in the Development Committee Report for badly needed road construction on other routes. The Central Roads and Traffic Board will, in the near future, be asked to revise the Road Construction Programme in the light of the total funds now known to be available. It will then be for the Development and Reconstruction Authority to decide what works can be undertaken with the staff and plant available in the Colony, and we shall then have to decide finally what part of that programme is justifiable in present circumstances. I would only add that I can think of no more certain dollar-earner than a really well advertised tourist industry (hear, hear); and that has a very direct bearing on road construction.

It is the intention of the Authority to continue steadily with the essential projects in the large building programme which is now under way, but here again we must begin by defining "essential" realistically. The cost of building has greatly increased since the Development Committee's Report was prepared, and many new building requirements have come to light during the past year. The total funds available for buildings of all kinds will fall far short of what is necessary to meet all requirements and a simple, even austere standard of building must be accepted for those buildings which we decide to be justified. Personally, I continue to hope that hon. members will find it possible to provide funds for the building of a Legislative Council Chamber—but I admit that it is to-day a faint hope!

Apart from finance, the limiting factors governing the execution of the building programme are the shortage of certain materials and fittings, the limited staff available to cope with the spate of

[H.E. the Governor] work in the architects' and quantity surveyors' offices, and the general shortage of skilled artisans. Every effort is being made to recruit the staff necessary to enable the preparation of plans to keep pace with requirements, and it is hoped that the building capacity of the country will be reinforced by the arrival of new contracting firms with adequate technical staff. The shortage of housing is an acute and serious problem which must be relieved. His Worship the Mayor and the Nairobi Municipal Council have done, and are doing, everything they can to alleviate the situation, and every effort is being made by Government to the same end.

Hon. members have been kept informed of the progress of the Development programme by the quarterly reports of the Authority which have been laid on the table. An annual report of the Authority will also be laid as soon as possible after the close of the year.

Under the Development plan the Posts and Telegraphs Department is planning a comprehensive and colony-wide telephone system, the basis of which will be an adequate main trunk system running from the Coast to Uganda, with focal exchanges at Mombasa, Nairobi, Nakuru, Kisumu and Eldoret. This plan is, however, a long term project and the limitations are not only financial, but arise also out of the scarcity of materials such as steel, copper and lead and of the world shortage of manufactured equipment. Whilst pressing forward with this plan in so far as is possible in 1948, the Department will make every effort to relieve the congestion in the present telephone exchanges and trunk network.

A Central Water Resources Authority, supported by Regional Boards and a Distribution Committee, is in process of formation; legislation will be needed but will not be ready for this Session.

Among the important projects of the hydraulic branch of the Public Works Department for 1948 are an increase in the present source of water supply and the development of additional sources of supply for Mombasa. It is also hoped to begin work on a one-million-gallon a day water supply for the Nanyuki township to meet both civil and military needs. An extensive programme, including the provision of new supplies and the extension

of present supplies, is also envisaged for other townships. It is proposed to press forward with the drilling of boreholes and the sinking of wells wherever the increase of supplies promises to help production. In this I include Dr. Dixey's scheme of water conservation for the Northern Frontier Province and Samburu, for those areas have great possibilities of expansion of meat supplies.

The financial implications of a new ten-year plan for African education are now under consideration by Government, whilst a committee on educational expenditure has been appointed to make recommendations on the most equitable means of meeting the steadily increasing demands of European and Indian education. Meantime, provision is being made for a very necessary increase in the school accommodation for children of all races. Among the new projects for 1948 are the opening of a European day primary school in Nairobi, the establishment of a training centre for Indian male teachers, the reorganization of the Indian women's training centre on an inter-territorial basis, and increased facilities for teacher training and secondary education for Africans. All these plans, however, will have to be re-examined in the light of their justification at the present time.

The important question of technical education is receiving special attention. A committee has been appointed to consider the steps to be taken to establish a Technical and Commercial Institute in Nairobi. In the meantime, evening continuation classes in Nairobi are being steadily developed. The development of technical training generally in East Africa has recently been examined by a mission sent by the Secretary of State. As an immediate practical step it is proposed in 1948 to resume trade training for civilian African youths on a limited basis. I cannot stress too strongly the vital importance of technical education in a country such as this if we are to avoid the growth of an unbalanced and technically incompetent society.

It has recently been possible by the award of scholarships to give practical recognition to the increasing need for higher education of African students of outstanding ability, and it is hoped that a further number will be enabled to proceed overseas next year.

[H.E. the Governor]

Important labour legislation will be laid before you which I hope will include a Factory Act, and the revision of the penal sanctions of the existing law and of the legislation affecting employment of juveniles.

There is evident among workers in the Colony a desire to form themselves into organized trade unions, but there is at present little understanding of the nature and functions of the trade union movement. It will be the aim of the Labour Department, which has obtained a specially experienced officer from the United Kingdom for the purpose, to do everything in its power to guide and educate the worker by every possible means in the true meaning and function of trade unionism.

As regards the Directorate of Manpower and Reabsorption and Demobilization, financial provision has been sought to enable the services rendered by the Labour Department to be continued until the end of 1948. So far as demobilization is concerned, there are nearly 4,000 Europeans, Asians and Africans whom it is expected will be released by the end of 1948, the official date of general demobilization. On the reabsorption side, the Central Bureaux and Labour Exchanges will continue to assist persons who wish to find employment. But the time is approaching, and will probably arrive during 1948, when it will be necessary to decide what part of this organization should be retained as a permanent part of the Labour Department, and what should be wound up.

The questions of compulsory national service and of the reconstitution of the Kenya Regiment remain undecided pending the conclusion of a review by the War Office of the whole subject of colonial forces and garrisons. But I expect approval to be given to our proposals for the reconstitution of the Kenya Regiment. Agreement has recently been reached for the reconstitution of the Kenya Royal Naval Volunteer Reserve on a local East African basis but under the guidance and technical direction of the Admiralty. I do not expect difficulty in reaching agreement with our neighbours on the distribution of the by no means heavy cost. The unit has proved its great value in the war, and it is our duty as members of the Commonwealth to see that it is

enabled to continue up to the very high standards which are required of those who fly the White Ensign.

No major change of policy in those matters which fall within the province of the Member for Agriculture, Animal Husbandry and Natural Resources are contemplated in 1948. Our plans for the development of the natural resources of Kenya have been made, and the activities of the departments under his wing will continue to be directed towards the implementation of those plans.

The Increased Production of Crops Ordinance will continue in force throughout 1948.

Soil conservation continues to figure prominently in the Agricultural Department's programme and, with increasing numbers of staff becoming available after training at the Egerton School, considerable expansion is intended, particularly in connexion with native agriculture. Soil conservation in European areas continues to be hampered by lack of heavy tractors and earth-moving equipment, and until this need can be met it is feared that progress on the mechanical engineering side must remain comparatively slow.

The resources of the Egerton School of Agriculture are being taxed to the full with the present demand for the training of potential settlers and of staff for the Agricultural Department. I hope that the School will be developed on the customary lines for an agricultural college in 1949.

The new African Agricultural School at Embu will be opened during the course of 1948, but the joint agricultural, veterinary and educational training centre at Maseno is not expected to be ready until 1949.

Proposals are now well advanced for the establishment of agricultural and veterinary research organizations on an East African inter-territorial basis in the vicinity of Nairobi. We have, indeed, been fortunate in obtaining the services of two such eminent scientists as Dr. Kean and Dr. White to direct the destinies of the two organizations in their early and probably most difficult stages. It is hoped that progress towards the actual establishment of the organizations on the ground will be achieved in 1948. Research staff, as indeed other qualified staff, concludes however to be very difficult to secure, but I am glad to say that

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it has been possible to provide for one new development, research into fruit growing, based on the main fruit station at Molo, and a citrus station at the Coast.

The coffee, sisal and pyrethrum growers through their respective organizations take the keenest interest in research work on the crops which are their particular concern. The coffee and sisal organizations are proposing to continue to give financial assistance for research work to the Agricultural Department, but in the case of pyrethrum a new development is contemplated whereby the Pyrethrum Board itself will undertake responsibility for research which is more particularly concerned with the marketing of the crop, while other forms of research will be the responsibility of Government.

In native areas, it is hoped to achieve some progress in the replacement of a certain amount of cereal production by the production of legumes, but a limitation of the extent of this work, which is very necessary for the restoration of the fertility of the soil, is caused by the continuing necessity for East Africa to feed itself in grain.

The expected improvement in the European staff position will enable closer contact with the individual cultivator in native areas, and it is hoped that progress will be made not only in conserving the soil by means of terracing but also in the development of more balanced systems of farming and the control of grazing.

While the intensity of the infestation of the desert locust has now been reduced to a point which may enable the campaigns of the last few years to be brought to an end, East Africa is now faced with the possibility of another invasion by the migratory locust which caused such extensive losses between 1931 and 1937. It is known that swarms are already on the move from the Sahara through the Sudan, and it is possible that advance swarms may reach the Colony before the end of 1947.

In order to combat the high incidence of sterility diseases in the European stock-owning areas of the country, it is hoped to inaugurate, during 1948, a veterinary panel scheme, whereby groups of stock-owners will employ private prac-

titioners, obtaining from Government some financial assistance in return for which such practitioners will perform routine functions in connexion with the operation of the Diseases of Animals Ordinance within their areas.

It is hoped to obtain the necessary staff next year for an increasing application of the Cattle Cleansing Ordinance.

The work of animal health and breeding carried out by the Veterinary Department in past years is to be extended to more native areas, and with this in view

it is proposed that a section of the departmental staff shall devote its activities to the application in native areas of the experience gained at the animal health and breeding centres. The successful Nandi development scheme comprising dipping, fencing and grazing control will continue to be expanded.

The results of the reorganization and expansion of the Forest Department, as approved in the Development Committee Report, are now becoming apparent. The completion at the end of this year of the course of study of twelve students at Londiani and three students in South Africa will enable the staffing of new districts and the intensification of forest management in others during the ensuing year. The planting programme has now reached a total of 6,000 acres a year, and it is hoped to expand this now that more staff is available.

In addition to the normal routine duties of the Game Department, calls will be made upon it during 1948 in carrying out its function of protecting crops and grazing against the depredation of wild animals in connexion with the projected Masai grazing scheme at Kajjado and the proposal to clear for African settlement the Emborro Swamp below Meru.

I hope that in 1948 national parks will be established in the main Sabaki-Tavo area and in the high areas of Mount Kenya and the Aberdares.

The Lake Victoria Fishery Board should be able to get under way next year. Progress to date has been held up by the difficulty of finding a suitable Chief Fish Warden. Progress may be expected on the work of the biological survey of rivers in Kenya which has been started and which is being centred on the Sagana River, where a small

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laboratory is in the course of completion. A suitable site for a fish culture farm has been obtained, and this development project should also be started during the coming year. Its main work will be to experiment with varieties of indigenous fish of the tilapia group with a view to determining the best fish to be propagated for fish culture. With a view to the development of our sea-fisheries, an officer has been appointed to study the native fishing industry at the coast, and he is at present undertaking a course of training.

In 1948 the European Settlement Board will settle a further fifty to sixty tenant farmers and will continue to give direction and assistance to those already settled under the tenant scheme. On the residential settlement side, considerable progress is being made.

Regarding African settlement and land utilization, it must again be emphasized that Kenya is undertaking plans for which there is little or no experience here or in other parts of Africa to be drawn upon, and consequently a considerable amount of investigational work must be carried out.

A number of schemes for the resettlement of Africans in substantial numbers are under way, but even more important than the breaking of new land and its settlement is the work of reconditioning and protection of the soil in areas already occupied. Reconditioning schemes are being carried out in the Fort Hall, Machakos, Kamasia, Nandi and West Suk districts and in the Samburu and Masai lands, and will be extended in 1948. In addition, the opening up of new land by the eradication of tsetse fly is under way in both Central and South Kavirondo and at Mariakani, and is projected in Elgeyo. It is intended to institute betterment schemes in 1948 in areas where investigational work has already been carried out, for example in the area of Kipini-Lamu and the Chyulu Hills. A comprehensive note on the whole subject will be issued in the near future.

The effectiveness of some of this work has suffered recently from ill-advised attempts to persuade the people concerned not to help themselves, or to obstruct the Government; if such attempts should succeed, the only consequence would be suffering and hunger

for the dupes of people who ought to know better. They will certainly not deter the Government from doing its duty by the land.

The necessary legislation to carry out the improvements in local government which were described in Sessional Paper No. 6 of 1945 will be placed before Council at an early date, including a Bill for the establishment of African district councils, exercising wider powers and greater responsibilities than existing local native councils.

A new scheme for the allocation of financial responsibility between the Central Government and local native councils, and later African district councils, has been worked out and will, it is expected, be brought into operation during 1948. The scheme involves a substantial increase in the Government's financial commitments, and must now be re-examined in the light of the Plewman Committee Report.

The building programme of the Medical Department faces the same difficulties of supply and personnel as all the other branches of Government activity, but excellent progress is being made with the African section of the group hospital, Nairobi, and the second African block should be occupied next year. It is hoped in 1948 to begin the building of the Asian block for this group hospital and the construction of the new medical training school. New hospitals and improvements are also hoped for other areas. It may also be possible to open more health centres in 1948, and high priority will be given to the intensification of public health measures in all areas.

Much attention has been given of recent years to certain special aspects of administration in African colonies. As a result, staff has been provided for social welfare activities of various kinds, including information services, for research into land tenure and occupation, into native law and other aspects of what it has been customary to call "native administration." Governments such as this have for a long time found it necessary to have a specialist adviser on native affairs, in the form of a Chief Native Commissioner, Secretary for Native Affairs, etc., and we are fortunate in this country in possessing an officer of exceptional qualifications in this impor-

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the ant post, which carries a seat in the Executive and Legislative Councils. But I am not satisfied that there is sufficient integration and co-ordination of the staff available to us nor of the activities upon which it is engaged, nor that we are at present properly equipped to maintain contact with the people and to carry out continuously and effectively the study of the problems of government—social, economic, and even political, as well as purely administrative—with which we have to deal so that we may be guided by up-to-date and dependable knowledge of conditions, as they in fact are.

I have been a Secretary for Native Affairs for a good many years myself, and I know how important it is to develop effective means for giving expert help and guidance to the central Government and its departments at headquarters and to others in the field, as well as maintaining a continuous study of the whole range of problems involved. I therefore propose to group all these activities under the direct control and authority of the Chief Native Commissioner, and in this I include the Information Office, whose major task must be to develop to the greatest possible extent information and educational and recreational services for the great mass of the African people, whom it is difficult to reach by any other means. I do not think that any additional expense over and above what is provided in the budget under various heads of expenditure is likely to be involved, except perhaps for one or two not important salary adjustments, and in any case the final form of what is done will have to depend on what financial provision hon. members feel that they ought to make for it.

I believe there will be general agreement with my view that we must greatly improve and develop our means of contact with and guidance of the native people, and of keeping continuously before them the policy and intentions of Government, and the vital necessity of such things as the preservation of the soil and improvement of methods of agriculture and animal husbandry, so that both Government and people may reap the full advantage of the solid good sense and good will which are so widespread among the African people and so potentially valuable a force in our affairs, but

with which I feel that we are not in sufficiently close contact.

It is hoped that it will be possible to make considerable strides in the building programme for the Police during the coming year. New police stations for Nakuru and Kisumu are included in the 1948 programme, and work will continue on Police lines in various other centres in the Colony.

Every effort will continue to be made to bring the Police Force up to strength, both as regards the European and African personnel, during the ensuing year, and it is hoped to extend the policing of the Reserves by the regular Force, thereby making it possible to grapple more effectively with the incidence of crime. That we should plan to grapple more effectively with crime does not, however, imply criticism of the Police, who continue to give exemplary and devoted service to the Colony. (Hear, hear.) Mr. Gulloch, the Commissioner, is about to retire after rendering invaluable services, and I should like to take this opportunity to thank him for what he has done and to express the hope that he and Mrs. Gulloch will enjoy many happy years of leisure in retirement. To Mr. Ward, the new Commissioner, and all ranks of the Force I take this opportunity of repeating that I, as Governor, the members of my Executive Council, and I am sure, of the Legislative Council, will give every support and assistance which it is in our power to give in their difficult and often dangerous duties. (Hear, hear.)

I owe an apology to hon. members for the length of time that I have taken this morning. I must now declare this meeting formally open and leave you to your deliberations under the presidency of the Hon. Mr. Horne, confident that with God's guidance you will wisely, patiently and resolutely deliberate the more you and take your decisions upon them with the single purpose of promoting the peace, order and good government of this country. (Applause.)

THE PRESIDENT

At the conclusion of his address, His Excellency retired from the Chamber, and the subsequent proceedings of the Council were presided over by the Hon. W. K. Horne in pursuance of the Instrument so appointing him to preside.

MINUTES

The minutes of the meeting of 25th July, 1947, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE FINANCIAL SECRETARY (MR. TROUGHTON):

Report of the Taxation Inquiry Committee, Kenya, 1947; Schedules of Additional Provision Nos. 5 of 1946 and 1 and 2 of 1947; Report of the Board of the Land and Agricultural Bank for 1946; Report on the Kenya, Uganda and Tanganyika Savings Banks for 1946.

BY THE CHIEF NATIVE COMMISSIONER (MR. WYN HARRIS):

Report on Native Affairs, 1939-1945; Statement of Government interim policy with regard to interpenetration and infiltration in native land units asked for in Question No. 72 by the hon. Member for African Interests (Mr. Mathu).

BY THE GENERAL MANAGER, K.U.R. AND H. (SIR R. E. ROBINS):

Report on the administration of the Railways and Harbours for 1946.

BY THE COMMISSIONER OF CUSTOMS (MR. JOHNSTON):

Annual Trade Report of Kenya and Uganda for 1946.

BY THE COMMISSIONER OF LANDS, MINES AND SURVEYS (MR. ROBINS):

Return of land grants for January-March, 1947.

BY THE DEPUTY CHIEF SECRETARY (MR. THORNLEY):

Report on transport in the Solik-Kericho district; and Printing and Stationery Department Annual Report for 1946.

BY THE COMMISSIONER OF INLAND REVENUE (MR. MUNDY):

The Income Tax (Non-Residents' Allowances) (Amendment) Rules, 1947.

NOTICES OF MOTION

The following notices of motions were given:—

BY SIR A. VINCENT (NAIROBI SOUTH):

That this Council records its appreciation of the report of the Taxation Inquiry Committee, Kenya, 1947,

and requests Government to take appropriate action to implement the principles contained in the recommendations thereof.

BY MR. COOKE (COAST):

That Standing Rules and Orders be amended so as to permit members to rise on a point of explanation while another member is speaking, provided that the interruption conforms with the usage of the Commons House of Parliament of Great Britain and Northern Ireland.

ORAL ANSWERS TO QUESTIONS

No. 58—ASIAN STAFF, K.U.R. AND H. MR. PATEL (EASTERN AITA):

1. Will the Hon. General Manager, K.U.R. and H., please state if he recognizes that immediate interim relief is necessary for members of his Asian staff in view of the fact that the recommendations of the Salaries Commission are likely to take some time to be implemented?

2. If so, will he state why interim relief similar to that announced in Government Circular No. S/E 75/2(10/7) has not been granted to his staff?

3. Is he aware that a great dissatisfaction exists among the Asian staff of the Railway on this issue, especially because the Railway Asians are lower paid than the corresponding categories of Government staff?

SIR R. E. ROBINS: 1. The reply is in the affirmative.

2. and 3. Interim relief was afforded to Asian staff of the Administration as soon as possible after the details contained in the Government Circular referred to were announced.

No. 61—NATIVE LAND UNITS

MR. COOKE:

Will Government state on whom the responsibility lies for granting shop sites in the native land units? And is it satisfied that those sites are kept in hygienic condition and that slum conditions are not permitted to arise?

MR. WYN HARRIS: Excluding Trading Centres established under the Trading Centres Ordinance, 1932, areas for the opening of shops and the conduct of trading premises in native land units

[Mr. WYN HARRIS] are established by resolution of a Local Native Council and plots within such centres are allocated by the President with the advice of the Local Native Council. A number of shops exist outside such recognized Centres and the Government is aware that greater control of the siting of such trading premises in Native Land Units is necessary. Some measure of control is at present exercised by Provincial Commissioners who, as Licensing Officers under the Traders' Licensing Ordinance, 1936, have received administrative instructions that licences should be issued only in respect of premises considered suitable on public health and other grounds.

2. A Bill is shortly to be introduced before the Legislative Council making provision for the establishment of African District Councils and it is proposed that these Councils should have greater powers of control in such matters than those now possessed by Local Native Councils. In addition, consideration is being given to the enactment of legislation along the lines of the Shops in Rural Areas Ordinance, 1933, whereby the erection of shops outside established markets or trading sites could be controlled and, if necessary, prohibited.

MR. VASEY (Nairobi North): Mr. President, arising out of that answer, is the hon. member taking every step possible to see that there is little further development of the situation at Dagoretti Corner which is just outside the Municipal boundary, until such legislation is introduced?

MR. WYN HARRIS: Yes.

NO. 62—SITING OF PORT TUDOR AND PORT REITZ CREEKS

MR. COOKE:

With reference to my Question No. 73 of 1945, will Government state the position with regard to the alleged siting of Port Tudor and Port Reitz Creeks? Will it consider the reopening of the channel at Makupa in view of its amenity to Europeans and Africans?

SIR R. E. ROBINS: There are indications of the deposit of silt on Port Reitz and Port Tudor sides of the causeway, but there are no indications that the siting is likely now or in the future to

hamper navigation by the craft normally using these channels.

Regarding the second part of the question, owing to certain developments in the area, consideration is now being given to the filling in of the Macupa Strait and the area southwards, as envisaged in the Town Planning Scheme for Mombasa. For this and other reasons the re-opening of the channel is not contemplated.

NO. 63—LAND CONTROL BOARD MEETINGS

MR. COOKE:

Is Government aware that the irregularity of the meetings of the Land Control Board causes considerable inconvenience to vendors and vendees and their agents? If so, will it arrange for regular monthly sittings of the Board so long as a quorum of members can be assured?

THE DEPUTY CHIEF SECRETARY (MR. THOMLEY): No Sir. The Land Control Board has met on 31 occasions since its constitution in February, 1945, and has had regular monthly sittings with the exception of July this year, when the meeting had to be postponed owing to sickness and the unavoidable absence of some members. Provisional action was on that occasion taken by the chairman in respect of some of the more urgent transactions which were due to be considered at the meeting.

NO. 66—AFRICAN TRADE UNIONS

MR. MATHU (African Interests):

Referring to the reply given to Question No. 66 of 1946, will Government please give further names of Trade Unions registered during the last 12 months? Does Government appreciate the fact that unless we educate workers on Trade Union principles so as to have various Trade Unions registered, we shall frequently be confronted with illegal strikes and other labour troubles?

THE ACTING LABOUR COMMISSIONER (MR. CARPENTER): With regard to the first part of the question, I will forward the information to the hon. member.

Regarding the second part, Government is fully alive to the necessity for educating African workers in Trade Union principles and it is for this reason that a Trade Union Officer with wide

[Mr. Carpenter] experience of the subject, gained in the United Kingdom, was appointed earlier this year. It is Government's policy actively to encourage the formation of properly constituted Trade Unions; and, with this end in view, literature on the subject is being widely distributed for the benefit of the African workers.

MR. MATHU: Mr. President, arising out of the reply, is the hon. member aware that the procedure adopted in educating Africans as regards trade unions is taken with the greatest caution?

MR. CARPENTER: I am aware of it. (Laughs.)

MR. MATHU: Arising out of that reply, does the hon. member agree that it will take years to get these trade unions organized if that caution is the guiding principle?

MR. CARPENTER: I think that if we proceed on the lines we are now, we will not take the number of years that the hon. member thinks, provided that there is on the part of the worker the will to learn; and I think the pace will be very much quicker.

NO. 67—AFRICAN CO-OPERATIVE SOCIETIES

MR. MATHU:

Referring to the reply to Question No. 67 of 1946, will Government please enumerate the Co-operative Societies now registered or deemed to have been registered under the Co-operative Societies Ordinance, 1945? Will Government please say what progress has been achieved as a result of propaganda to Africans on the principles of co-operation?

MR. CARPENTER: There are 22 Co-operative Societies, of which four are African registered under the 1931 Ordinance, and 64 of which all but four are African, registered under the Co-operative Societies Ordinance, 1945. Amongst these there are:

- 45 Poultry Keepers' Societies in Nyanza Province;
- 3 Coffee Growers' Societies in Meru, Chogoria and Embu;
- 3 Ghee Dairying Societies in Central Kavirondo;
- 2 Traders' Wholesale Buying Societies at Teita and Semu, Central Kavirondo;

- 2 Co-operative Stores at Kilale and the Jeanes School;
- 2 Salary Earners' Thrift Societies at Embu and the Veterinary Laboratories, Kabete.

- The Teita Vegetable Society;
- The Saradidi Poultry Run;
- The Kaloka (C.K.) Fishermen's Society.

2. It will be observed that fair progress is being made in the Kavirondo, but none at all in the Kikuyu Districts, in the popularizing and forming of Co-operative Societies. Among the Kipsigis, one Honey Society, one Store and a number of Poultry Keepers' Societies await registration; from Nandi there is a request for a Co-operative Store, and from Teita for Thrift Societies.

MR. MATHU: Arising out of that reply, would the hon. member say what progress of co-operation is going on in, say the Masai, Northern Frontier and Suk areas?

MR. CARPENTER: None, as far as I am aware.

NO. 68—AFRICAN ADMINISTRATION OF KENYA

MR. MATHU:

As it is an accepted principle in civilized countries that executive functions shall be separated from judicial functions, will Government please state whether they consider it essential to apply this principle to the African administration of Kenya?

THE ATTORNEY GENERAL (MR. FOSTER SUTTON): The Government long ago accepted the principle that it is desirable, whenever practicable, to separate executive functions from judicial ones. This is still the policy and will continue to be so.

It is not, however, considered practicable or desirable to relieve all executive officers of their judicial functions at the present juncture.

MR. COOKE: Arising out of that reply, will the hon. member give an assurance that in the meantime he will correct any excessive zeal on the part of Government to substitute any kind of executive law for the rule of law?

MR. FOSTER SUTTON: I do not know if the hon. member is serious in wishing me to answer that question?

MR. COOKE: Quite serious.

MR. FOSTER SUTTON: The answer is in the affirmative.

21 Oral Answers

Mr. MATHU: Will the hon. member agree, there is an inconsistency in that policy in that the judicial functions of the chiefs have been removed and given to the tribunals while the executive functions are retained by district officers?

THE PRESIDENT: That has been covered in the answer.

No. 72—INTERPENETRATION BETWEEN TRIBES

Mr. MATHU:

Referring to sections 1477-1481 of the Kenya Land Commission Report and in view of the very high degree of congestion in certain more populous native reserves, will Government please disclose in detail their policy for interpenetration between tribes?

Mr. WYN HARRIS: A statement of interim policy on the question of interpenetration between tribes has been issued in the form of a directive to Administrative Officers. A copy of that directive has been laid on the table this morning.

No. 75—MOMBASA FATALITY

Mr. NICOL (Mombasa):

In connection with the recent tragic fatality which befell a patient undergoing X-ray diagnosis in Mombasa, will Government inform Council: (a) what action they have taken to prevent a similar misfortune occurring again? (b) Why did Government reduce the compounding staff in Mombasa in 1945 and did not accede to the repeated applications of the medical officer in charge, Mombasa, to the effect that the dispensary was under-staffed? (c) Why was no relief Asian compounder sent to Mombasa during the absence on leave of the resident Asian compounder? (d) Is there any difficulty in obtaining candidates for training as compounders and are there sufficient training facilities? (e) In regard to the four suggestions of the magistrate who inquired into the case, will Government state what action they propose taking in regard thereto? (For simplicity, the four recommendations are set out below: (i) That the staff of the dispensary be immediately increased and maintained at an adequate level, and that if it is not possible to employ a qualified

European dispenser the dispensing of X-rays for the X-ray department and any other mixtures where a check is considered necessary should be done by the radiographer himself or by a local chemist; (ii) that the wardmaster and storekeeper should be a qualified compounder or at least should have some knowledge of, and training in, poisons and other medicines; (iii) that incidents for stores should be carefully inspected in Nairobi and any unusual item queried or at least clearly marked to disclose its nature; (iv) that all packages should be marked either when they are sent or after they arrive in the store to show clearly that the contents are deadly poison and not intended for human consumption.)

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT (MR. MORTIMER): (a) Inquiries have been issued that barium carbonate shall be removed from all dispensaries or hospital stores and its further ordering or retention by hospitals has been forbidden by the Director of Medical Services.

(b) The compounding staff in Mombasa was reduced after most careful consideration had been given to the opinions of the medical officer in charge: it was at that time and still is necessary to meet the demands of other hospitals of equivalent or greater size. It is considered that, even after the withdrawal of one compounder from Mombasa, the staff position at Mombasa was no better or worse than that of other hospitals.

(c) No relief Asian compounder was available for posting to Mombasa and an African compounder was therefore sent. The Draft Estimates of the Medical Department for 1948 which were prepared before this regrettable occurrence, contain provision for three additional Asian compounders.

(d) There is no difficulty in obtaining an adequate number of suitable African candidates but as the training must be specialized and individual, the annual intake has to be restricted.

Training facilities hitherto have been limited by the expansion of the Medical Training Centre for which funds are available from the Development and Reconstruction Authority, will make it possible from next year to take greater numbers. The number of European or Asian compounders for whom posts exist

[Mr. Mortimer] or could reasonably be created would not justify an attempt to organize the training of non-native compounders.

(e) The following action will be taken or has been taken on the four suggestions made by the Magistrate who conducted the inquest:

(i) The Mombasa Hospital Dispensary staff has already been increased by the addition of one African compounder and an effort will be made to maintain this establishment. Satisfactory and what are thought to be secure arrangements have been made for any dispensing required by the X-ray Department.

It is doubtful whether with the funds available and for the work involved, it is justifiable to employ a qualified European dispenser but this suggestion is receiving careful consideration.

(ii) Every attempt has been made to engage wardmasters and storekeepers with dispensing qualifications at the salaries laid down for the posts, but without success.

(iii) This is normal procedure.

(iv) This also is, in effect, normal procedure, as all stores issued from the Medical Stores, Nairobi, are sent out in their original United Kingdom packings, which in the case of poisonous substances, bear the original manufacturer's label, conforming with the laws of the United Kingdom governing the labelling of poisonous substances.

I take this opportunity of expressing on behalf of the Government sincere regret that this tragedy should have occurred and the deepest sympathy with the husband of the deceased lady.

BILLS

FIRST READINGS

On the motion of Mr. Foster Sutton, seconded by the Solicitor General (Mr. Hobson), the following Bills were read a first time: The Seeds Bill, the Vagrancy (Amendment) Bill, and the Customs Tariff (Amendment) Bill, and notice to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council rose at 12.40 p.m. and adjourned until 10 a.m. on Tuesday, 21st October, 1947.

Tuesday, 21st October, 1947

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 21st October, 1947.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the proceedings with prayer.

MINUTES

The minutes of the meeting of 20th October, 1947, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 57—AFRICAN AGRICULTURAL ASSISTANTS

Mr. COOKE:

(a) Is Government aware that in Uganda some 1,000 African Agricultural Assistants have recently been intensively trained through the cordial co-operation of the Uganda Director of Agriculture with the local Director of Training?

(b) If the answer to (a) is in the affirmative, will instructions immediately be given to inaugurate a similar scheme in Kenya?

(c) If the answer to (b) be in the negative, what is the reason?

THE MEMBER FOR AGRICULTURE, ANIMAL HUSBANDRY AND NATURAL RESOURCES (MAJOR CAVENISH-BENTLEY): (a) Government was not aware that in Uganda some 1,000 African Agricultural Assistants had recently been intensively trained through the co-operation of the Department of Agriculture and, in fact, knows that this is not so.

(b) During the years 1946 and 1947 the Department of Agriculture, Uganda, has given a short course of agricultural instruction to some 979 returning ex-soldiers. On the completion of this course these men go back to their own homes where it is hoped they will put into practice, to some degree at least, what they have learnt while under instruction. It is emphasized that none of these men is employed by the Department of Agriculture.

(c) During the same period in Kenya a scheme has been in force by which 24 ex-soldiers were trained at the Jeans School in 1946 and 48 are in process of training this year. On completion of the course

(Major Cavendish-Bentnick) these men are absorbed into the Agricultural Department as Instructors. This is over and above the normal two-year training course for African Agricultural Instructors, which the Department of Agriculture has been running for over 20 years, at Bukura. This school produces 30 African Agricultural Instructors a year while at Embu a further 10 are trained, making 40 a year in all.

(d) It will be observed that the aim in the training given in the two Colonies is different: Uganda has endeavoured to train African farmers, while Kenya has concentrated on training African Agricultural Instructors, who will in turn train their fellow Africans in the Reserve. The same result is likely to be attained by either means, but this Government is in favour of the thorough training of a comparatively small number of Africans in order to strengthen the advisory and instructional aspects of the Native Services of the Department of Agriculture. As a matter of interest it may be noted that Kenya and Uganda employ approximately the same number of African Agricultural Instructors, namely 398 and 418 respectively. It is, of course, hoped that it will be possible to increase the numbers of African Agricultural Instructors in training in Kenya as soon as the new schools at Embu and Maseno are ready to accept pupils.

(e) Finally it will be remembered that all African secondary schools and most primary schools give some agricultural training as part of the normal curriculum. Indeed, in many of the secondary schools, though not all, there are specialist teachers in agricultural subjects. It is intended to expand this aspect of education and to establish a secondary school in each Province at which a full two-year agricultural course for the training of farmers will be given.

(f) It is also intended that schools in the Rift Valley Province will have a strong agricultural and pastoral bias.

No. 39—SOBOKI-TSAVO NATIONAL PARK

MR. COOKE:

Will Government state fully the reasons for the delay in proclaiming the Sobaki-Tsavo region as a national park as unanimously recommended by the Game Policy Committee? Does it realize the potential value of such a

park to the tourist trade and to the strengthening of the dollar position?

MAJOR CAVENDISH-BENTNICK: To deal with the second part of the question first, Government is fully aware of the potential value of the proposed Sobaki-Tsavo National Park as a tourist attraction and, therefore, as another possible source of dollar exchange. In this connection it may be of interest that at a recent Inter-territorial Conference convened at the East African Territories to form an Inter-territorial Travel Association was agreed upon in principle, largely on the initiative of this Government, which has already taken active steps to implement the recommendations of the Development Committee Report concerning the tourist trade.

With regard to the first part of the question, it will not be overlooked by the hon. Member for the Coast that before a final decision can be taken concerning the proclaiming of any area as a National Park, the most careful consideration must be given to the possible claims on such land for human use or settlement. With the population problem which faces the Colony to-day, the proclaiming of a National Park can be justified only when it has been established beyond all reasonable doubt that the land in question is not at present under occupation or suitable for settlement purposes by the African, the Indian or the Arab. In this particular case it has not yet been finally established that the whole of this proposed Sobaki-Tsavo Game Park area is free from established user claim or unsuitable for settlement purposes; as soon as the decision has been reached, immediate steps will be taken to proclaim such area as may be agreed upon in this region as a National Park.

MR. COOKE: Arising out of that reply, how does the hon. member reconcile that statement with the statement made by His Excellency the Governor three years ago, that the establishment of national parks was moving "on bold, generous and imaginative lines"?

MAJOR CAVENDISH-BENTNICK: One has been established, two more are in progress, and a third will probably be established in a short time. At the same time, no Government could declare a national park where there are possibilities of human claims.

MR. COOKE: Arising out of that reply, is it not a fact that the African Settlement Board which has a majority of Africans sitting on it, do not want that land for African settlement?

MAJOR CAVENDISH-BENTNICK: They said so, but they seem to be unaware that there are large numbers of Galla cattle in that area. (Laughter.)

MR. COOKE: A very small portion.

TAXATION INQUIRY COMMITTEE, KENYA, 1947

IMPLEMENTATION OF PRINCIPLES

SIR ALFRED VINCENT (Nairobi South): MR. President, I beg to move: That this Council records its appreciation of the report of the Taxation Inquiry Committee, Kenya, 1947, and requests Government to take appropriate action to implement the principles contained in the recommendations thereof.

This fiscal committee, to which I will refer throughout my remarks this morning as the Plewman Committee, was asked for by my colleagues and myself in the last budget session, in November, 1946. It was finally gazetted on the 10th June, 1947, and presented its report on the 29th September, 1947.

At the outset I should like to pay a most sincere tribute to the members of that committee (their R.P.), especially to the chairman, Mr. R. P. Plewman, whose great experience in these matters resulted in his rendering this country so notable a service (applause), and also to Mr. A. S. MacQueen, the secretary of the committee. (Applause.) Both these gentlemen are officers of the South African Government, and I am sure hon. members would wish to join with me in thanking most sincerely the Prime Minister of South Africa and Mr. Hofmeyr, Minister for Finance; for their kindly gesture in allowing these two very capable officers to come to this country to undertake this very arduous task. (Applause.)

Various views have been expressed on this report, but the report is triumphant in that it was unanimous, it was non-racial and, in my opinion, completely impartial and unprejudiced, and thus has great merit. Some, of course, complain that this committee went beyond its terms of reference. My answer to that is "Thank heaven that one committee had the courage to go beyond its terms of

reference to render a service to this country, and did not take cover under its terms of reference for a change" (Applause.)

When considering how I should handle this report I was first tempted to be very brief, but on reading Hansard of the last budget debate and Hansard of the Standing Finance Committee report as debated in this Council, I became painfully aware that it was essential that a great deal of the very excellent paragraphs appearing in the Plewman Report must go down into Hansard; and if hon. members do not understand why, I invite them to read some of the speeches which were made in the two debates I have referred to, and then, if they have any intelligence, they will realize why!

I am conscious that there will be a number of points which will be raised on both sides of Council to-day, to which I shall have an opportunity, if necessary, to refer when I reply to the debate, but I can assure you that it is not my intention to keep Council very long, but we must do justice to this report.

In the first place the committee, on the trend of national prosperity, have succeeded in giving us what they describe justly in their report as "a reasonably reliable barometer by which to measure the progressive rate of prosperity for the community as a whole." If members will turn to charts I and II on page eight they will see the prosperity chart, and in considering their conclusion in paragraph 108 we must compare the progressive rate of prosperity as revealed in charts I and II with the way in which the rate of progressive expenditure, shown in charts VII and VIII, has raced away ahead completely of the progressive rate of prosperity. These comparisons and the relevant previous paragraphs to 108 through the committee to the conclusion contained in paragraph 108, in which they state:—

"The level of taxation may have to vary with the times and must always take into account the level of economic activity proper to the Colony. War-time taxation has in it a commendable element of sacrifice." (I should like you to remember that when I go on with my remarks.)

"But in such taxation, as is insisted upon of resources in time of war, there must be respite when the national emergency has ended if enterprise and progress

[Sir A. Vincent] is not to be impeded. The excess profits tax has come to an end. A measure of relief from income tax was conceded by the amending legislation passed last year, but in almost all other respects the taxation structure is still that which was designed during the war years. The Committee has given the matter careful consideration and is of opinion that the present level of taxation is still too high, and that in the light of the axioms we have recorded in paragraph 48 a still greater measure of tax relief must be conceded in certain directions at appropriate times in order to relate the taxation level more suitably to the prosperity level, to encourage the development of the natural resources and to stimulate the growth of national productivity."

Then they make further specific recommendations as to how this should be done, and I propose to take Council through these recommendations in connection with that particular phase of the report.

In paragraph 127 you will see that the Committee give detailed figures of income tax, those payable by the single man in the first column, and by the married man, assuming he has a wife and two children and embracing the maximum educational allowance of £50 for each child, in the second column; and having examined those figures they go on to say in paragraph 128:—

"Prosperity levels admittedly rose after 1943, but even so the figures just quoted are revealing and confirm our view that a sufficient measure of relief from the present level of income tax is now essential. Moreover, there is a distinct danger that the rate of tax in the higher income levels will not allow for the development of the country's resources to proceed as smoothly as the national interests presently demand. Income tax relief is usually granted by lowering the rate or raising the level of rateable income or by a combination of both methods. It is a matter which calls for the examination of more facts and figures than are available to us, and, in any event, as we have already stated, and must again emphasize, there must be a proper adjustment year by year between the expenditure and the capacity of the Colony to pay that expenditure

from tax revenue. To be helpful, our suggestions must be stated in the general rather than in the specific and must relate to principle rather than to detail. With that in mind the Committee recommends that the relief to be afforded must apply to the whole range of taxpayers and should take into consideration as a basis for that relief the proposals set out in paragraph 358 on page 35 of the Report of the Standing Finance Committee on the 1947 Estimates. Suitable adjustments should be made, not only in the lower and medium ranges but also in the higher income levels, with a view to permitting the development of the country's resources to proceed as smoothly as possible in the national interest."

Hon. members will remember that the hon. Member for Mombasa, the hon. Member for Uasin Gishu and myself, as members of the Standing Finance Committee, pressed Government last year to afford a very modest—I repeat, very modest—scale of relief, a sliding scale of relief to take effect from the beginning of this year, based on assessments, which would have given some relief to the lower income tax group. The hon. Member for the Coast, also a member of the Standing Finance Committee, stated in the report of the Standing Finance Committee:—

"While very desirous to afford relief to the lower income groups and more especially to those not liable to income tax, owing to their small incomes, I am unable at the moment to accept Sir Alfred Vincent's suggestions, since they were submitted at too late a date to enable any study of their financial and other implications. I am content to leave this matter until the proposed fiscal Committee has reported on the assurance received from the Commissioner of Income Tax, that if an amending Ordinance is passed before the end of September it could be made to apply to the first instalment of the 1946 tax based on the 1946 income."

I think that should be "the first instalment of the 1947 tax based on the 1946 income."

The Rev. Archdeacon Beecher, also a member of the Standing Finance Committee, was unable at that time to accept the proposal, but as he was a member of the Plewman Committee and as he

[Sir A. Vincent] has had every opportunity of investigating and studying the position, he now fully supports the proposal—and, as I have done before, I should like to say how I, anyway, value the services of the Archdeacon and the completely open mind with which he approaches such problems. (Hear, hear.)

Members will also remember that, because of the Government's unreasonable refusal to accede to our request, we adopted the unusual procedure of voting against the adoption of the report of the Standing Finance Committee when it came back to Council. We did that in order to give the Government up to the very last moment to see the error of their ways, but they could not!

I have pointed out on more than one occasion in this Council that the rates of income tax in the East African group—that is Kenya, Tanganyika and Uganda—are much higher than in any other comparable colony. I have also pointed out that our income tax rates have increased that our income tax rates have increased that the relief which is now suggested in the Plewman Report is at least two years too late. I trust that Government will not fail to give us an assurance in this debate that the relief in income tax recommended by the Plewman Committee—which goes much further than the modest request we made in order to help the lower income groups—will be effective on assessments payable this year, and that they will not attempt—I repeat, not attempt—by any excuses, to wriggle out of this, and say that they cannot implement these recommendations from the beginning of this year, because we would not be able to accept such a position in any way whatsoever. (Applause.)

Having made those few quite temperate remarks on the question of income tax and Government action last year, I will proceed very briefly to examine further matters which were suggested by the Plewman Committee.

Relief to farmers. The Committee's next taxation recommendation is paragraph 130, if you are interested. It is that the cost of fencing, water supplies, and dipping tanks be allowed to be written off in one year instead of over a period of years, stating in their opinion, "the

vagaries of nature make the timing of expenditure on development schemes a matter of real concern to the farmer, and if he is allowed this concession he should be able to plan his long-term development spending to better purpose. We recommend that this form of relief be included in the scheme of income tax allowances which aims at encouraging the development and expansion of the agricultural industry."

I think that in considering this matter very briefly we must cast our minds back to the pre-war grave necessity of helping to the backbone of this country, which has proved to be the agricultural industry, and not say to-day, that they should have no getting fair prices, which they should have no further relief which they should have had years ago (and I am not a farmer!).

Regarding the taxation of money from abroad, the Committee in paragraph 132 says:—

"The Committee recommends that it should be part of the long-term fiscal policy of the Colony to encourage through income tax concessions the introduction of new money from abroad. One direction of achieving this would be to exempt from income tax over a stated number of years all income received in the Colony from abroad.

In the event of the full implications of the foregoing recommendation not being applied there should be, in the view of the Committee, at least some amendment of the law and some modification in practice. We recommend accordingly, as an alternative suggestion, that steps should be taken:—

(i) To amend the law by prescribing positively that the tax levy on income brought into the Colony from abroad by a resident taxpayer shall be spread over the successive tax assessment years in which the income was produced, and thus to ensure that the liability for income tax shall not be determined by including in the one tax year the whole of the outside income produced over successive years but brought into the Colony during that one year;

(ii) to exempt from income tax by legislative provision any money brought into the Colony which accrued as income outside the Colony six or more

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(iii) to arrange for any adjustment of tax liability which arises between two countries in cases of this nature, to be a matter for governmental action, and thus to relieve the local taxpayer of the responsibility of claiming a refund from the other government authorities after having paid the double tax imposed."

I think that that is one of the best suggestions that has been made, in order to inspire confidence in people who really want to make this country their home and who wish to come from abroad and settle here, and in fairness to those people who are already here.

On African taxation, which is dealt with in paragraphs 148 to 151, this requires understanding because in my opinion—and I have had it happen to me—the committee had clearly in its mind its own discussions, and I think the wording in these paragraphs needs clarification. I will read paragraphs 148 and 149, and then I will remark upon them:—

"It was suggested to the Committee in evidence by a number of witnesses, not only by Africans, that the present rate of taxation, in conjunction with the contribution made to revenue through customs duties, bears heavily on the African community. We deal with the contribution through indirect taxation in the next Chapter. In recommending in Chapter III the substitution of a new form of local rating applicable to Africans in rural and in urban areas we indicated that a consequential reduction in Poll Tax would be justified if a system of wealth rating is adopted on the lines we have suggested. It cannot be denied there has been considerable expansion in the African's participation in trade but there has been relatively little advancement in his economic position as a wage earner and moderate advancement in his capacity as an agricultural producer. It is probable, indeed almost certain, that the African taxpayers will be required to pay considerable increased local rates in years to come. The Committee is of opinion that generally speaking the present burden of taxation on the African community cannot be increased without causing hard-

ship. In the event, therefore, of the contribution to taxation in the form of a local rate becoming heavier the Committee recommends that there should be a corresponding downward revision in the basic rate of Poll Tax.

With a view to aligning the Poll Tax more suitably into the tax pattern of the Colony, the Committee recommends the incorporation, with one exception mentioned in the succeeding paragraph, of the African system of Poll Tax in a general system of Personal Tax, which would thus become entirely non-racial and would be graduated below the Income Tax level in the following manner:—

Incomes below £30 per annum (say) Sh. 10 p.a.

Incomes between £30 and £60 (say) Sh. 20 p.a.

Incomes between £60 and £120 (say) Sh. 40 p.a.

Incomes above £120 per annum (say) Sh. 60 p.a."

In stating "That generally speaking, the committee were of the opinion that the present burden of taxation on the African community cannot be increased without causing hardship," the committee were referring, and must always refer, to the lowest income groups, the African peasant, because when you speak of a flat rate of tax, in a matter of common justice you have to take the lowest level as your guide as to ability and capacity to pay. The other point is this: "In the event, therefore, of the contribution to taxation in the form of a local rate becoming heavier the committee recommends that there should be a corresponding downward revision in the basic rate of poll tax." It was clearly their intention to suggest that the reduction should not go below the minimum of a personal tax of Sh. 10 per annum as is shown in the previous paragraph. It was obviously the desire of the committee to seek revenue from the group of Africans which lies between the African peasant group and the group who are taxable under the income tax law, and I should imagine that prosperous Africans would respond to that because they, after all, do get amenities and somebody has got to pay for them, and the basic principle of ability to pay is always there, irrespective of colour.

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A further interesting suggestion in the committee's recommendations for consideration is contained in paragraph 150: "The committee was impressed by a suggestion that, in order to encourage Africans to take up permanent employment in agriculture outside their land units, and so contribute materially to the relief of overcrowding in those areas, a special rate of personal tax below the levels suggested above should be applied to all Africans in registered and approved agricultural employment, and recommends this for consideration." It should be noted that this refers only to Africans who take up permanent employment in agriculture outside their own units, the emphasis being on the word permanent.

Following up their principle of an African wealth tax generally, the committee have again applied the same principle to the African town dweller for African welfare services, in paragraphs 86 and 87, but here we are unanimously of opinion that their method is incorrect, while the principle as applied to African areas is correct. No doubt the hon. Member for Nairobi North, will give reasons for that.

I am sure that Government will agree that the collection of any such tax should be undertaken by Government and not by the municipal authority, that it should be a matter of arrangement between a municipal authority and Government as to what sum per head should be paid by Government for the welfare services which are provided by any such municipality as is suggested in the recommendation.

Now we come to the point of indirect taxation. In paragraph 161 the committee say: "The committee considers that from the long term point of view there is a strong case for selective reduction in duty in regard to particular items and, if that should be found necessary, an increase in regard to other items. The main items which we have in mind are referred to in the two succeeding paragraphs." They go on in paragraph 162:

"In view of the importance of cotton piece goods and imported clothing, from a production point of view, it is considered: (i) that a substantial cut in the *ad valorem* duty levied in respect of cotton piece goods and of imported new and

secondhand clothing for the African trade, is justified; and (ii) that an equivalent reduction in the *ad valorem* duty levied in respect of grey drill would also be justified. Such reductions would have an importance in relation to the cost of living, quite apart from their effect upon the retail price index as at present framed. The present index is not compiled as a result of detailed budgetary studies of African expenditure, and the committee has, therefore, thought it necessary to direct particular attention to the duties levied on imported ready-made clothing, second-hand clothing, and cheap lines of piece goods, which admittedly form a higher proportion of the African's expenditure than they do of the expenditure of the average member of other communities. (a) If after giving relief in the direction indicated, there is need for increasing the yield of revenue the committee favours the imposition of higher duties on other items which enter into the budget of the African, in common with other communities, and in particular on the following items, taken in the following order:—(i) beer; (ii) tobacco; (iii) tea; (iv) sugar."

They go on to make this very interesting comment: "164. From a sociological point of view, it is generally recognized that from the angle of strict equity, in that when properly administered come tax, when properly administered and levied, is the fairest form of taxation. It is necessary to observe, however, that in a mixed community with different standards of living, and different needs, customs or excise duty, taking commodities such as those referred to above, particularly those falling in the luxury or semi-luxury categories, is perhaps the most effective and least objectionable means of raising revenue from all sections of such a community." I shall comment on income tax as being "the fairest form of taxation" in a moment, but I think the committee's recommendations regarding direct taxation are fair and equitable.

Then we come to an important item, the protection of industry, paragraph 165: "The committee considers that as a means of encouraging the growth of local industries three things are necessary and recommends that these be incorporated into a revised tariff scheme." They enumerate them, and I will abbreviate them: raw materials for manufacture in the country should normally be eligible

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for a drawback of the whole or of the equivalent of a 22 per cent *ad valorem* tariff, whichever is the less; that, in principle, as against an imported article, the locally produced article should have the advantage of a 22 per cent protection, through the tariff, etc.; that the same policy of drawback should apply to an imported article directly utilized in increasing or maintaining agricultural or industrial production. It is certain that if we want our local industries to advance we must regard this as an urgent recommendation to adopt.

I come now to the vexed question of the collection of direct taxation. The committee, as I have just mentioned, refer to income tax as being "the fairest form of taxation," but they qualify it when they say providing it is "properly administered and levied." It is clear to all of us, I am sure, that income tax as in the case of poll tax becomes a most unfair form of taxation when it is not properly administered and levied, and if a tax is of such a nature that it is incompetent of complete collection and is a source of considerable bitterness in the community, that tax can only be called a very bad tax. We know that income tax is here and it looks as if it had come to stay, but it has been proved because of staff difficulties and other difficulties that income tax in a mixed community and when experts are required to administer it is not a good tax. It is like a system. No matter how good a system it is, it becomes a menace and a danger if it is not carried out completely.

but perhaps the most alarming statement which is made in the whole report is contained in paragraph 142 regarding the collecting of poll tax:

"After hearing considerable evidence on the subject and after a careful examination of all the material before us, we are forced to the conclusion that the amount of tax collected from any particular district in a given year amounts to a 'fixed charge' on that district, and in no way accurately reflects increases of population or changes in the economic status of that district. It was represented to us that district commissioners had no reliable data at their disposal on which to estimate with any degree of accuracy the poll tax that

should properly be collected in any given year from their districts, and that, in any case, they would probably be unwilling to estimate highly in comparison with the previous year lest failure to collect up to that amount might be interpreted as the result of inefficiency on their part and so prejudice their good standing in the service and their consequent chances of promotion." (Members: Hear, hear, and laughter.)

"Be that as it may, we had high-level evidence, repeated by other witnesses, to the effect that—(a) the tax registers, prepared by African 'counters' some months in advance of the actual collection, are, at best, only about 80 per cent accurate; (b) when collection starts early in the year—poll tax becomes due on 1st January, and defaulters are liable to have action taken against them and penalties inflicted if tax is not paid by 31st January—steady and effective collection takes place, but as the 'target figure' set in the district commissioner's estimate is approached, effective tax collection cases off; (c) effective collection of poll tax varies between 45 per cent and 75 per cent of the taxpayers recorded on the tax register. This would seem to indicate that the collection of poll tax in tribal areas is only of the order of effectiveness of, say, some 60 per cent at best. One African witness informed the committee that the local native council of the area from which he came was so worried about the ineffectiveness of tax collection, affecting as it does local native council revenue, as the two are collected at the same time, that it is proposing to conduct its own census with a view to testing the accuracy of the tax registers and the effectiveness of the Administration's system of collection."

Surely those paragraphs are a most depressing indictment of the Administration, because we must remember that the figures of poll tax collections given in paragraph 139—deal with an extended period and not only during the war period and it does not take long to realize how much revenue has been lost by the present methods. I am sure that I shall get the reply: "Well, if you want better collections, you will have to pay more money for it and you will then bring down the total collected to a much smaller figure." That may be, but what

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is the psychological effect of this wholesale dilatory non-collection in the mind of the African? That is the important point. I should think it is a growing contempt for the Administration. It is the starting of the rot, and is a distinct encouragement, indeed incentive, to evasion. I maintain that that is just as unfair in its implementation as income tax is. It is unfair to the decent natives who do pay, and if it costs you all the extra money you bring in in administrative salaries and costs I say then you should collect it for the sake of the psychological effect.

Now, sir, income tax assessments. The committee deal with this in paragraphs 121 and 122, wherein, after having referred to the Commissioner's estimate (and I think it is a modest estimate) of £600,000 unrecovered revenue, they say—and this is very important, and I should like you to realize the significance of this:

"In accordance with constitutional practice, moneys which form part of tax-revenue cannot be held in reserve except under special legislative authority, and in those cases it is usual for the moneys to be safely invested and to be reserved for some special purpose. This volume of unassessed tax-revenue, therefore, constitutes in effect a hidden revenue source rather than secret revenue reserve. Being unliquidated and unsecured it is at best a precarious revenue source especially at a time when a recession in trade and business is not beyond a possibility. Moreover, the simultaneous assessment of two to three years' tax must be a source of embarrassment even to the most prudent taxpayer, and all taxpayers certainly are not prudent. Quite obviously, no blame attaches to any individual for the present state of affairs and given adequate staff the Commissioner would long ago have rectified matters. But the facts must be faced.

"Adequate staff is at present not available and a growing back-log of work is burdensome and must be a source of uneasiness to the existing staff. Meanwhile, current work also suffers.

"The cycle of the financial business of government is purposely fitted into a fiscal year and for the same purpose must taxes have a yearly periodicity. When,

therefore, the assessment and recovery of an important source of revenue such as income tax falls so seriously into arrears it upsets fiscal regularity and interferes with the proper observance of constitutional procedure. From all points-of-view, therefore, it is highly essential that there should be a return to normality as soon as possible. If this cannot be done by ordinary methods, as appears to be the case, there is good reason that the adjustment should be effected by some special procedure. For the legislature to assign the proceeds of tax on assessments which are one year or more in arrears to a reserve fund, and as when the revenue is collected, would be a means of restoring regularity in financial practice and budgetary procedure, but it would hasten the process of assessment, lessen the burden of work or serve the convenience of the taxpayer. We recommend, therefore:—

(i) That the Commissioner should be empowered and directed by legislative enactment to issue within a stated period a provisional assessment based on the taxpayer's declared income in respect of any return which has been in the hands of his department for, say, a period of twelve months or longer and has remained unassessed during that time; and

(ii) that it should be provided further that unless within a period of six months after the issue of a provisional assessment the Commissioner issues a revised assessment or unless within, say, six months after the issue of the first or the revised assessment the taxpayer appeals against such assessment, the first assessment or the revised assessment, as may be the case, shall be deemed to be the final assessment for the tax year involved, save and except where new facts not recorded in the return come to the notice of the Commissioner or where fraud or wilful default has been committed by or on behalf of the taxpayer concerned, when the normal prescribed procedure shall continue to apply."

They also recommend an immediate strengthening of the staff of the Income Tax Department. We know that the Commissioner has made every possible attempt from practically every source to do that but, be that as it may, I am quite certain also that we can ask the

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Commissioner rationally and fairly that he must agree that something must be done, and unless he can suggest better recommendations than those contained in the report then he should agree to adopt those suggestions in order to bring the collections more up to date in what I think is a perfectly rational way.

On the question of evasion, I do not want to flog that again; it is dealt with very fully in paragraphs 134, 135 and 136. The committee do say, however, that they wish to emphasize (in paragraph 135) "the need for greater co-ordination of administrative effort, not only in making effective the administration of the income tax system but also as a means of limiting the opportunities for evasion of tax".

But there is one point they have not made, and I make it, because I should like the Commissioner to give us information on the idea. Leaving alone those people who have declared their incomes "once upon a time" and those who do not declare their incomes because they do not keep books (or maybe keep three sets of books), would it not be possible, and I understand it is done in other countries, that where a man through no fault of his own whatsoever, or with intent cannot declare his income, the Commissioner could assess it and let the man prove the Commissioner is wrong, instead of the boot being on the other foot? Otherwise it seems to me that if evasion does exist in this country, and there is a slight suspicion that it does, we shall never get any further, especially in view of the present staff position, and I do not think that is unreasonable in any way.

On the question of income tax there is another point, and I will put it in the next possible way I can. We are apprehensive, if not indeed a little suspicious, that the income tax collections are likely to become a revenue-balancing agent. It is very natural for the Financial Secretary to murmur to the Commissioner of Inland Revenue "I have got all I want this year—go slow and make your future assessments payable next year". Well, if that takes place, it is a very, very serious matter. It is unfair, it is unconstitutional and it causes great uneasiness, because of the amount of income tax actually due in a year is not portrayed in the year's accounts it may mean two things; it may

mean that it may be used as a justification for increasing the rates of income tax because of the low collections, which are misrepresented, and on the other hand it may be used in the excuse not to reduce the rates at the right moment. I do not say this has been done, but I should imagine it is a dreadful temptation sometimes! (Laughter.) You must have the correct yield of any tax in the year of account, if we are going to study taxation, which we must do.

This leads me to paragraph 96 of the committee's report, where they make a very excellent suggestion which, perhaps because we have always had such confidence in our financial secretaries hitherto and to-day, we have not always done. They say: "A striking feature of the present method of financial control is the absence of any effective means by which the revenue aspect of the budget can come under consideration and be reviewed regularly". Although I know this has been done in the Standing Finance Committee each year, the stress has never been on the specific rate of any particular tax—the stress has always been on the amount of the possible yield of a particular revenue head. Of course, hon. members will agree that we have on occasion tried to convince Government that income tax rates were a little high, but you cannot convince those who will not listen, or who, having listened, find that their powers of reasoning and justice have deserted them temporarily! I think there is no doubt that we should adopt the practice of the United Kingdom and South Africa, and that is to determine the scale of income tax afresh each year and review at least one important customs duty. That is the practice, and I am certain that we can make well of it.

• Council adjourned at 11 a.m. and resumed at 11.15 a.m.

SIR ALBERT VINCENT (continuing): Mr. President, the last point on taxation on which I wish to touch is the Navy, Army and Air Force Institutes. This is dealt with in the report, and the committee support the present arrangements by which N.A.A.F.I. stores are exempt from duty conditional upon the Military and Air Force authorities applying a rationing scheme of some imported articles and carrying out a strict system of control

[Sir A. Vincent]

over the distribution and disposal of other imported articles. They recommend, however, that when the present arrangement is reviewed other methods should be considered. I think that the present arrangement is a fair one and provided—and I emphasize provided—abuses do not take place, it does help the Servicemen who, I am certain, we all very heartily welcome to Kenya at the present time. (Applause.)

We must not lose sight of the fact that members of the services pay United Kingdom rates of income tax, and that the recent adjustment of salaries and allowances more than ever means that they need the advantage of the N.A.A.F.I. exemption from duty. I should like to quote the actual figures. I understand that the pay of the Services was increased in 1946 for the first time since 1920, which, after taxation, results in an increase of approximately ten per cent. It was an Irishman's rise, however, as often happens in the Army, as the marriage rates before 1946 were tax free allowances. The average officer had 12s. 6d. a day which is untaxed, he now has 15s. a day which is taxable, yielding after taxation about 8s. a day; and I understand that n.e.o.'s and other ranks find it exceedingly difficult to make ends meet without N.A.A.F.I. customs exemption privileges. If N.A.A.F.I. goods do not find their way into the civilian market, I am sure that this assistance will readily be assented to on the part of this Council. If, however, war-time practices recur, then we shall have to think again, and we shall all have to think one way.

I thought it very necessary to go into detail, for the reasons I gave you, in the paragraphs which I have quoted *in extenso*. The other points I am going to touch upon must necessarily be brief.

"Financial procedure of Central Government and Budgetary Arrangements." It is vital that the expenditure is divided as suggested in paragraph 14, page 56. As D.A.R.A. is mentioned, I should like to state that, as a member of D.A.R.A., I am most anxious that the clearest possible details be given each year of the future liability for recurrent expenditure, especially that consequent upon social and welfare projects. I know that D.A.R.A. expenditure will be discussed in great detail in the budget

session, but I would say this at this juncture, that it is the policy of D.A.R.A. only to carry out projects at the present time which are considered absolutely essential and, what is most important, to carry out those works with a minimum of disturbance to normal labour supplies; in fact, to mechanize to the highest possible degree.

Page 57 (17), "Priority in regard to expenditure." This will be one of the most difficult problems which will face this Council in the coming budget debate. We must decide upon the best allocation of funds at our disposal to each department arising from the revenue collected, on the basis of the country's ability to pay.

Page 57 (18), "Pension funds." The funding of contributory and free pensions must be considered. It is tied-up, as has been pointed out several times by the hon. Member for Uasin Gishu, with long term capital expansion by means of loans, instead of from revenue. We shall have to decide to what extent we can and should commence to fund pensions, instead of leaving future generations to pay our pension bill incurred to-day, as we are paying for those in the past. I am well aware that, had we advanced on the correct footing from the outset, those pensions would have been funded, and a great deal of our capital expenditure, instead of being derived from revenue, would have been derived wholly, if possible, from loans in the years gone by. But it is a complicated matter, it is an actuarial matter, and we shall have to solve it, but it is no good putting it off day after day, year after year; we might as well face the issue now.

Before concluding, I should like to draw attention to the fact that the Nairobi Chamber of Commerce at a special meeting last night fully endorsed the Flewman Report. In fact, it was described by the chairman, Mr. Holden—and nobody disputed it—as "truly excellent" but they did want to draw this Council's attention to matters which they considered of particular importance. These included the expectation of a decline in revenue resources and the need for fiscal inducements to the importation of capital and enterprise generally, the need to limit public expenditure in accordance with taxable capacity, the need to budget for surpluses in time of prosperity and

[Sir A. Vincent] deficits in time of depression, the need for a reduction in the present rates of taxation, and measures for dealing with evasion of income tax, which I think I have for the most part covered pretty exhaustively in my remarks this morning.

In the Plewman Report we have a document which is the best type of document that could have been produced at the present time, and I would say that it is one of the most able documents which has ever been produced for the guidance of this Colony. In it there are proposals calling for retroactive action, as in the case of income tax relief; for immediate action, as in the case of the collection of income tax and the relief to be afforded to local industries, etc.; and progressive long-term action in regard to native and other taxation.

The wording of the resolution was deliberately made "appropriate" action, because if we said "speedy" action, the Government would probably tell us that there was something they could not take speedy action over. So we thought that if we made the word "appropriate" and did our duty as members of this Council, appropriate action would indeed be taken, and effectively.

We support this report because we believe in the principles contained in its recommendations, and I would say to Government that they now have an opportunity, with the Plewman Report as their guide, to turn from their evil ways as it were; to turn from their pathetic obstinacy (hear, hear) into the straight and narrow path of justice and reason; to justice at the right time, not justice at the convenience of Government, because delayed justice very often causes a grave injustice. We have been incredibly patient, although we say it ourselves (laughter), but that patience and the tactics which we thought, and are now convinced, will bring the best results for Kenya should not be mistaken by any member of this Council, or by anyone outside it, as a sign of weakness. There is no weakness, and we believe that our patience and our attitude have been fully supported by this very excellent Plewman Report, which we fully support.

Mr. President, I beg to move. (Applause.)

Mr. PATEL (Eastern Area): Mr. President, I beg to rise and second this motion now before Council.

It is a very rare occasion in a country like this when we find a report presented unanimously by members of a committee, and equally rare that one finds that a report receives a great measure of support from the members of the community. We have had in this Colony frequent controversies on the fiscal policy, and we have also had investigations made in the past. Now, when this report receives blessings from various quarters, I hope we shall settle down to work the principles enunciated in it and, as far as possible, remove controversy on the main principles. (Hear, hear.)

I agree generally with the principles enunciated in this report, but that should not be taken as an endorsement of every expression of opinion in it. It is quite likely that many members may wish to offer criticisms of details, but I think the Council in this debate should not take up time in regard to discussions of details, because that will tend to obscure the main purposes of the report, and it may cloud our vision in regard to an appreciation of the general principles. (Hear, hear.) Therefore, I do not propose to offer any criticism in regard to details, and I personally feel that those who are inclined to apply their minds to the details will have ample opportunity at the time when these principles will be implemented either in the Draft Estimates or when there are put before Council the appropriate bills, and that should be the proper time for a criticism of the details. However, I should like to lay emphasis on certain matters which have been fully covered by the hon. mover.

The first thing I would like to emphasize is that, unless some unknown factors reveal themselves in this Colony, the committee concludes that the revenue resources of the Colony cannot be expected to remain at the present high level, and I think that in considering the expenditure side of the draft estimates that principle should be kept in view by this Council. I also heartily endorse the points which have been raised by the hon. mover in regard to granting relief in regard to income tax, as well as the long term proposals for a reduction in duty on certain piece goods

[Mr. Patel] for the African trade. But I would like to say one thing, that while entirely in favour of granting relief in these two sorts of taxation, I would give greater preference to one principle laid down in the Report; that is, during a time of inflation and prosperity we should budget for a surplus, and for a deficit during depression. That recommendation of the report should, in my opinion, obtain precedence over the question of relief, because we are without doubt to-day passing through a period of inflation and prosperity and we should build up reserves to an extent which will help us during the time when depression comes, and the indications are that we might land ourselves in that difficult period at any time after a year or two.

I agree entirely that certain items of indirect and direct taxation ought to be discussed in this Council every year. That would give us an opportunity to members not only to express their views but also to press for a certain revision of duty or tax in the light of the circumstances which might alter at any time. I also personally strongly support the creation of a road fund which has been recommended by the committee. There is little doubt that we are very backward in that respect in this Colony compared with other territories, and it is absolutely essential that this recommendation should be brought into operation as early as possible.

I have noted very carefully that the African community, according to the opinion of the committee, cannot bear more taxation now, as they say it has already reached the stage when the taxation is very high. But the committee has put forward a constructive proposal before us for a discussion of what is called a wealth tax. I have always felt that, in regard to taxation, there should be no racial system in this Colony. I have advocated that time and again in this Council, and I am happy to note that the committee recognize that the native poll tax should be merged in the personal tax in the manner they have suggested. I strongly favour that point of view, and I believe that this racial tax in the shape of the native poll tax should be abolished as early as possible from our fiscal system, and a uniform non-

racial personal tax in the manner suggested by the committee brought in.

I also agree entirely with the hon. mover that all steps should be taken to trace offenders either in regard to income tax or poll tax, and that all steps must be taken to suppress evasion. But I could not agree with him when he said that income tax becomes a menace and a danger if the administration is not in a position to rise to that high level when it can collect all the tax. Because there are offenders against the motor laws in the country it does not mean that motor transport should be abolished, and in the same way because there are evasions it does not mean that income tax is not a fair system of taxation. Therefore, my suggestion is that all steps must be taken to suppress evasion, but not, because there is evasion, to abolish this very equitable tax.

I do not propose to take up the time of Council because the hon. mover has fully covered all the points which are important in these recommendations. I hope Government will take early steps to implement them and to make them a permanent part of the fiscal policy of this country. (Hear, hear.)

FINANCIAL SECRETARY (Mr. Troughton): Mr. President, as I listened this morning to the speeches of my hon. friends the Members for Nairobi South and Eastern Area, I was surprised how much I was in agreement with what they said—except, of course, when they were criticising Government (Laughter). I should like to associate the Government most fully with the tribute which they have paid to the work carried out by this committee. The report of the committee is a first class document, and in saying that and in going on to criticize certain passages in the report, I should like to emphasize that we do regard it as a first class document.

I went down to Capetown in April of this year to endeavour to secure the services of a chairman for this committee, and I had great difficulty, because I found that in the Union of South Africa the Government there suffered from the same problems of shortage of staff and pressure of work as we do here. In fact, it was rather greater, because at that time they had the Royal visit which gave a lot of work to the civil

[Mr. Troughton] servants, and they also had the annual session of Parliament in Capetown. However, after an interview with General Smitus and several with Mr. Hofmeyr, I managed to secure the services of Mr. Plewman. It was at very great inconvenience that his services were made available. It was inconvenient to the South African Government because they had intended to send him on an important mission to the United States, and it was very inconvenient on personal grounds to Mr. Plewman himself, so therefore we ought to be all the more grateful to the Government of the Union of South Africa and to Mr. Plewman himself, (Hear, Hear). They could hardly have given us a happier choice, as I think we all realized when we saw the membership of the committee and realized that it was Mr. Plewman who managed to secure unanimity from such a mixed collection. (Laughter.) That, I feel, speaks volumes for his tact and ability!

The members of this committee have in their report marshalled their views on financial policy and their financial facts in a very very clear way, whether one agrees with them or not, and I would like to suggest that one of the most valuable features of this report is that they have given us in quite compact form, apart from their recommendations, a very valuable collection of statistics, statistics which provide vital information regarding the economic trend in this country which, at any rate since the beginning of the war, have never been collected in one volume before. I refer to the statistics of land transactions, income tax assessments, mining revenue and all the rest of it, and I hope, and I think I can almost give Council the assurance, that the Government will make it their business as far as in it lies to keep those statistics up-to-date (Hear, hear) now that we have got them presented to us in this form. The report is an absolute mine of useful information.

Turning to the principles contained in it, I may say at once that Government accepts this motion and will vote for it, (Hear, hear). By that I must make it clear (laughter)—there is always a snag to these things—we must make it clear that we do not, and indeed should not, in present circumstances accept every

recommendation in it straight away just like that, nor indeed should hon. members opposite expect us to. But we are in general agreement with the broad principles underlying the recommendations in this report and, in particular, we accept the principle that there should be relief from income tax. (Applause.) Government will examine the various recommendations, will get busy, and will take appropriate action, whether that appropriate action is preparing legislation or consultation with local authorities or consultation with provincial commissioners or what not, and we do agree with the broad principles underlying the report, and we regard it as a first class document.

Now I should like to make certain observations on the various recommendations, perhaps observations of a more critical character, and if hon. members will turn to page 52, which is the beginning of the summary of conclusions and recommendations, my remarks may be less unintelligible:

Right at the top of page 52 the committee tell us that they "obviously cannot take into consideration any abnormal occurrences such as a sudden turn in the currency wheels of world affairs". That means, as the committee make it clear elsewhere, that they did not take into account the present very serious dollar emergency which has arisen as a result of the adverse balance of payments with the United States. The committee's report represents a long term rather than a short term policy. There is no doubt that that emergency will have a very serious effect on the economy of this country, that it will have a very serious effect on future budgets and financial policy, and it may in certain cases mean a variation in the times in which effect is given to the recommendations in the report. Indeed, I think the committee themselves recognized this, because they refer to their recommendation that reductions of taxation should be made "at appropriate times". Those are their words.

The committee then goes on to talk about local government and the relationship between local government and the central Government. Government cannot take action on those recommendations until the Member has had the opportunity of discussing the various points

[Mr. Troughton] with the local authorities concerned. There are, however, certain observations that I would like to make now.

First, as regards the financial relationship between Government and local authorities in native areas. This is a matter which has been under review for a long time, in many ways far too long; but it presented very serious difficulties. The principles of settlement have been threshed out recently, and proposals will be laid before this Council in connexion with the 1948 Draft Estimates within the next few weeks. I hope that those proposals, when they are published, will be found generally acceptable, and will give some measure of stability to these relationships between local authorities and the central Government which, above all else, must be stable, as the committee, points out.

Secondly, there is the proposed variation in the method of rating in native areas. The committee recommend, and I think rightly recommend, that rating in local native areas should take the form of a tax on wealth. The only remark I want to make about that is that it is not possible for Government to instruct the local native councils to levy such a tax, but it will take all possible steps to persuade them to do so. The matter must really be one for the local authorities because, as a matter of practice, it would be quite impossible for a tax on wealth to be assessed and collected in native areas unless the great majority of people support the principle of the tax and make information available to the committees or what not that have to do the actual assessments. The thing must have the goodwill of the people. That, I think, in an innovation of this character, is much more likely to happen when the tax is imposed by the local authority rather than by the central Government and the proceeds of the tax go to the local authorities and are voted to those services such as primary education, medical, and the rest, which have the full support of the people and which are popular. Make the tax popular, and the objects to which it should be devoted ought to be popular, and I wish that applied to other taxes! (Laughter.)

The same principle as applies to rural areas does not apply, in my judgment,

to urban areas, and I should like here to associate myself with the views expressed by the hon. Member for Nairobi South, with regard to the introduction of a wealth tax in the towns. The levying of rates on property, whether on unimproved site values or on improvements, represents a well established system of local government finance and I do not think it should be disturbed, or that we should embark on a new system of tax on wealth in urban areas, except after very careful consideration and after consultation with the local authorities concerned. But the Government does recognize that the provision of social welfare services in the urban areas is primarily a responsibility of the local authorities, and in the Government's opinion it is right that the African who benefits from those services in the towns should make a contribution towards their cost, by way of payment of a tax or rate.

I am not simply referring to services financed from the profits on beer shops and that sort of thing, but social services on a rather wider scale. Whether the contribution they make should take the form of a poll rate or what, or how it should be levied, or what the legal definition may be of the people who pay it, are matters of important principle which are now under discussion in the case of Nairobi between representatives of the Nairobi Municipal Council and the Government. The only point I would make here is that the Government accepts the principle of such a contribution, and will support local authorities in their endeavours to give effect to that principle and provide and sponsor social services for Africans in towns.

At the foot of page 56 the Committee recommend that the present budgetary arrangements—that is the splitting of the budget between Government and D.A.R.A.—should be introduced as a permanent feature of financial policy; and, secondly, the allocation of expenditure on projects financed by D.A.R.A. to capital funds until the projects are fully effective. The only remark I have to make about that is that the more expenditure we push on to capital funds the smaller the development programme may be, because the amount available for capital expenditure is limited, but nevertheless we do agree with these paragraphs as principles.

(Mr. Troughton)

Tax revenue and the budget, top of page 57. Now, the principle, as I see it, is that there should be ample opportunity to debate the Government's revenue proposals both in principle and in detail each year. I have had personally, in one capacity or another, to listen through six budget debates and shortly a seventh, I hope—and I must say I have never noticed any lack of opportunity to discuss the revenue either in principle or in detail. But if hon. members do feel that some further opportunity should be given, then we will consult together and make suitable arrangements, because quite obviously people ought to be able to discuss this quite fully, and I am rather surprised that the view should be held that further discussion was necessary. (SIR ALFRED VINCENT: Effective discussion.) All discussion in Government is effective discussion. (Laughter.)

Reserve funds. This question is very important, and I should like to express my wholehearted agreement with the view of the committee that it should be the policy to budget for a surplus in times of prosperity and to build up adequate reserves. We have, I think, secured fairly adequate reserves, mostly fortuitous perhaps, but nevertheless I do not think we are too bad a position, and the committee, in hinting that that may not have been done, do not seem to have studied their figures properly—though I may be doing them incorrectly. We hope that, by the end of this year, taking into account our reserve funds, with the surplus balances and reserve funds together, we shall have something appreciably more than £3,000,000. I do not suggest for a moment that that is adequate, but as a matter of simple arithmetic (laughter) it is enough to deal with three annual deficits of a million pounds, or six annual deficits of half a million; and one can play various tunes on the arithmetic, none of which gives too bad a result! (Laughter.)

Perhaps here I should refer to the question of a local loan, to which the committee refers in the second paragraph. There has been no need so far for such a local loan on strict financial grounds, because up to now the colony has had adequate cash resources with the bank and with the Crown Agents. We have got

over £2,000,000 at the moment, and neither the bank nor the Crown Agents pay a very large sum by way of interest on those deposits, and I do not think that, unless for strong political reasons, we would be justified in borrowing at the moment and paying substantial interest charges on our borrowing when we have these cash resources at our disposal. At any rate, I think that if we do borrow we should not borrow very much. The trouble is that there is, of course, the risk, and we all know it and must recognize it, that interest rates may rise despite the policy followed by the Chancellor in the United Kingdom, but they would have to rise rather a lot before it would become a sound proposition to borrow money a year or two before we actually needed it to meet expenditure.

There is another aspect of this, the question of providing local loan facilities as a counter to inflation, as a means of encouraging saving. Recently we have decided to take up with the United Kingdom Government the prospect of launching an East African peace bonds scheme, rather on the lines of the war bonds scheme, for direct re-lending to His Majesty's Government in the United Kingdom, and I think it will be possible to introduce a scheme of this sort to provide short and immediate term investment facilities for local people on reasonable terms.

Pension fund. This question is a difficult one. It has been discussed in this Council in the past, and I do not want to say any more to-day than that I think an actuarial examination should take place early, and then we can get a clearer picture of what is actually involved by funding our pension liabilities. There is this to be said against funding: that this generation of taxpayers is building up a lot of assets (I have said this before, but it may bear saying again) for the benefit of succeeding generations, and it is not inequitable that they should bequeath a few modest liabilities, one of which might be our pensions.

Taxation levels, bottom of page 57. I have already said that the Government accepts the principle of relief from income tax. It is not possible for me to go further at the moment, because we are corresponding with the neighbouring territories, and we will make an

(Mr. Troughton)

announcement as soon as we can. But in feeling that income tax relief is necessary, we feel it for rather different reasons from the Plewman Committee, and they have set their reasons out in paragraph 108 which the hon. Member for Nairobi South read out in full, with which I must say I have been singularly uncontentious because all it boils down to is that they think it would be a good idea. But the Government feels that relief from income tax should be given, in order to provide a stimulus to industry and enterprise and to provide relief to those who are adversely affected by the present very high cost of living and, moreover, we feel that relief is warranted by the present financial position of the Government. There will be more to say on this in the estimates debate.

Income derived from outside the Colony. Here again we agree that all possible steps should be taken to attract capital into this country from outside, and that is one of the main objects of the negotiations regarding double income tax relief, concerning which my hon. friend the Commissioner recently visited the United Kingdom. It is also a very strong reason for maintaining our own income tax rates considerably below the level in the United Kingdom but, unless I have misread the statistics in this report, there is no real lack of capital in the country now. If hon. members would turn to Appendix E on page 69, the bank statistics, they are quite interesting. We find that deposits in the banks crept up from £4,000,000 in 1935 to £6,000,000 in 1939—all very gentle—but since then they have jumped up to £25,000,000 odd, and, even allowing for depreciation of the £, the rise has, I think, been quite phenomenal, and it shows that there is £25,000,000 worth of capital, or accumulated funds, available in this country. I hope that some of it my hon. friend the Commissioner may be able to get hold of, but a very great deal of it is free money, so far as we know, available for capital investment, and I suggest that the capital we need most from outside is capital machinery, capital equipment and, of course, the capital and income brought to the Colony by residential settlers.

Income tax evasion. I leave it to the hon. the Commissioner to deal with

this. I would only make this point, that we have made every possible effort to secure all the staff we possibly can, and we have succeeded in getting a few people, though very far from all we would like to get hold of. It is no real consolation, but it is a fact, that nearly every country seems to be suffering from the same trouble, and I gather the position in the United Kingdom itself is really desperate. I mention this not as an excuse, nor even as a reason for our shortage of staff, but as evidence that the present position is not entirely of our own choosing.

The hon. Member for Nairobi South, referred to the danger of using the yield of income tax as a means of balancing the accounts, and spoke of the danger of stepping it up when revenue is wanted and stepping it down when revenue has been coming in freely. I most wholeheartedly agree with him that to use income tax in that way would be extremely dangerous and extremely wrong, and I can give hon. members an assurance that the normal process of collection and assessment of tax in the Income Tax Department has never been subjected to any interference.

Native Poll Tax. The hon. Chief Native Commissioner will speak in greater detail about this later in the debate, but the Government agrees that evasion of native poll tax cannot be tolerated, and it is the cardinal duty of the Administration, not only on financial grounds but on political grounds, to ensure that the tax is collected in full with, at any rate, the absolute minimum of evasion. It may be necessary, in order to enable this to be done, to introduce amending legislation to tighten up the procedure. For example, to provide automatic penalties in the event of failure to pay tax by a particular date. That is a matter that we have under urgent consideration, and I hope it will be possible for proposals to be laid before this Council in the near future during the present session.

In the middle of page 61 the Committee expressed the view that, taxation speaking, the present burden of taxation on the African community cannot be increased without causing hardship, and then they go on to recommend that, in the event of the contribution to taxation in the form of a local rate becoming

[Mr. Troughton] heavier, there should be a corresponding downward revision in the basic rate of poll tax. I am not sure exactly what the point was of my hon. friend the Member for Nairobi South, but I feel that from the Government standpoint we must take that recommendation quite literally, and taking it literally it is not a principle which the Government could possibly accept. It is an integral part of the system of local Government in African areas and elsewhere that social and other services should be provided by the local authorities, and the cost met, at least partially, from local rating. If a local authority deliberately steps up its social services, then because it increases its rate we can see no justification whatever for a corresponding decrease in the poll tax. In fact, so far as I can see, as African social and other services develop, and I hope as African incomes and prosperity develop during the next few years, we must expect to see both a gradual increase in local rates and a gradual increase in central taxation, irrespective for the moment whether that form of central tax is a poll tax or a hut tax, or a what-not tax.

The question of the general absorption of the African poll tax into a personal tax is a matter of long term policy, but there can be no question that I can see of putting it into effect in the near future. For example, it would involve the assessments of perhaps a million African incomes to determine whether in a rough and ready way whether they are over £30 or under £30 a year, and that would raise an administrative problem which we could not tackle in respect of central taxation in the near future.

The suggestion on page 61, paragraph 33, the last paragraph there, where they suggest there should be a special cut rate of tax for people engaged in agricultural employment outside the native areas, presents some difficulty to me. It seems to me that if there is going to be an inducement—and I am not saying there should not—to African to work outside native land units, there should equally be an inducement to take to industrial as well as agricultural employment. I cannot for the life of me see why an African working as a labourer on a sugar estate should be treated in regard to taxation differently to an African working in the

sugar factory on that estate. So this particular recommendation will obviously require careful consideration, irrespective of whether the principle of it is admitted or not.

Another thing that requires care is the question of tax administration. There is much to be said for assigning responsibility for tax collection to local authorities. There is nothing to be said at all for having two types of machinery to collect taxes in a particular area, and I can see no justification for, for example, Nairobi Municipality organizing one tax collection system and Government having another working parallel in Nairobi. The thing would be wasteful in the extreme. To that extent Government wholeheartedly agrees with the committee in paragraph 35 at the bottom of page 61.

Customs duties. Here I must be careful, because I would not wish to induce any of the brighter members of the commercial community to start selling things or even to start buying things in anticipation of some rise or fall in the customs tariff. They have already had an interesting experience regarding tobacco recently! But the Government can accept the principle that the cost of living can be reduced by selective reductions in the customs tariff, as is pointed out by the committee, and we can accept the principle that the imposition of additional duties on luxuries constitutes a means by which additional revenue can be made and spread fairly well over the community as a whole. The main difficulty in this arises about the appropriateness of the time.

Paragraph 108. It is important here to bear in mind that the committee definitely excluded from their minds the effect of the present difficulties regarding importations from abroad arising from the dollar emergency. This is a factor of over-riding importance in anything which may have an effect on the importation of goods and on the customs revenue. But we do agree that a customs tariff than later—be thoroughly overhauled. There are a number of anomalies in it of which we are well aware, and that is a matter the hon. Commissioner of Customs is taking in hand.

During the remainder of this debate official members on this side of Council

[Mr. Troughton] will be at liberty to express their personal views on any matters raised, and anything else. The only members speaking for the Government as a whole are, apart from myself, the hon. Deputy Chief Secretary, and possibly the hon. Chief Secretary, later on.

In conclusion, sir, I have been critical of certain passages in this report. It cannot be accepted in full, line by line, but by and large we look on the report and regard it as good and, once again, on behalf of Government I would pay a tribute not only to the chairman and the secretary—who did such a stout job of work full time—but also to the members, our own local people, who gave hours and hours and hours of their time to this painstaking and detailed inquiry. We are very grateful to them as a Government, and I am sure this Council as a Council is grateful to them also.

I beg to support the motion.

SIR ALFRED VINCENT: Mr. President, I did not want to interrupt the hon. member, but is not the hon. Commissioner of Inland Revenue going to speak for Government, or is he only to give his own personal views?

MR. TROUGHTON: Any views that the hon. Commissioner expresses will be his own personal views.

MR. MATHU: Mr. President, I should like to rise and oppose this motion before Council with every ounce of my blood! It is not a very pleasant job to do when the motion has been accepted by the European members and by the Indian members, and it is to me no personal satisfaction to oppose the motion, but because I do know that the principles contained in this report at the present moment are not for the interests of the country or for the interests of the African community I have to oppose. I would like, however, to pay a tribute to the committee and to associate myself with previous speakers in paying tribute to the work of Mr. Plewman and his colleagues. Their work has been done speedily, and they have produced the report that we now have, and I must congratulate them on doing this piece of work.

One aspect of it, and that is actually why I oppose this report, is that they

have gone deliberately for the African community, and I imagine that this report ought really to be called "The report of the African Taxation Inquiry Committee", because apart from chapters I, II and IV, which deal with the general fiscal framework of the country, the other chapters deal with reducing the burden of taxation of the non-Africans or suggestions that taxation for Africans should be introduced that would definitely, in my opinion, cause tremendous conflict.

It will be remembered that last year Sir Wilfrid Woods produced a report which I personally in this Council supported wholeheartedly. I think that he produced a very able document on the fiscal position of Kenya and East African territories. The European members in this Council opposed that report vehemently, and suggested a local committee be appointed, a committee composed of local residents. That has been done, and we have the report framed in a way that hon. members on this side of Council, apart from the African representatives, wanted it framed, and they have given it their wholehearted support. The Woods report did not recommend to the satisfaction of the European community any measures for drastic income tax relief. It did not recommend that there should be a change of system of taxing the African community. That, of course, did not please the Europeans in this country, and therefore the report was rejected. Thirdly, arguments were advanced during the debate that local knowledge was essential, and therefore persons who knew the country well should be appointed to deal with these matters. Hence Government appointed this committee.

The composition of the committee is such that I do not think that even Government anticipated that Africans would support this report. In the first instance, the hon. mover has said, or rather his second, that this report is non-racial, but there is one racial aspect of the report which I must point out. That is, the exclusion of African membership. The committee was composed of Mr. Plewman and his secretary from South Africa; four Europeans, one of whom was a representative of Government, and one Indian, and there was no direct African representation on that committee. I feel that if for nothing else the

[Mr. Mathu] African community would have been within their rights as a protest to oppose this motion, because they have been deliberately left out in the composition of a committee that has recommended a drastic change in the system of taxation of the African community.

Therefore we have a report which, apart from Chapters I, II and IV, recommends relief for income tax payers, which has recommended a wealth tax on part of the most impoverished sections of Kenya community, the Africans, and has also recommended, and the hon. Financial Secretary has indicated, the difficulty, an attraction to African people to work on European farms by reducing taxation on those who work there permanently. The hon. Financial Secretary suggested that there should also have been a recommendation that Africans should be attracted to industry in other areas, I would like to point out also that there should have been a recommendation that Africans engaged permanently on their own farms in their own areas should get a reduction in taxation, because I cannot see why an African working on a European farm should have reduced taxation while an African working on his own farm for the benefit of this country by increasing the income of this country should be over-taxed. It does not look very fair.

MR. THORNTON: On a point of personal explanation, I did not imply that I recommended that a special cut rate of tax should be applied to Africans in industry. What I intended to say was that if a special cut rate of tax was applied to people working in agriculture outside their land units it would be logical that it should be applied to industries too.

MR. CHOKI: On a point of order, is the hon. member in order in rising on a point of personal explanation in view of the Ruling given by your distinguished predecessor?

THE PRESIDENT: The hon. member who had possession of the floor gave way so that the point of explanation could then be offered. The hon. Member for African Interests will continue.

MR. MATHU: I accept the explanation given by the hon. Financial Secretary, but I still hold to the point I am making,

which is that in the interests of logic the principle for reducing rates of taxation for Africans working permanently in the agricultural industry should be applied to Africans working in a similar industry in native areas. Otherwise it will be a thing that will give rise to the accusation that the European community in this country want to do all they can to feather their own nests.

The next point I should like to mention before coming to the report itself, is that the hon. mover did make a point which I should like, if I may, to borrow from him. He did say that it was sometimes difficult to convince people who are not ready to be convinced, because perhaps temporarily reason and justice had deserted them. If I have quoted him aright, I think that is what he said. That is exactly the phrase I should like to use in directing the attention of Government to the fact that the African community has tried to convince Government that the African was impoverished and poverty-stricken, and perhaps because temporarily reason and justice has deserted them we have not been able to convince Government on that particular issue. Therefore I say it was a surprise to me that Government should have accepted this particular principle of the report, when they know that the poorest people in the world are the Africans who are in the majority in this land, and in a way in which I do not think they will ever get a cent more than they do at the present moment.

The source of African income as I have mentioned more than once is agriculture. The committee has made reference to this in one of their paragraphs to say that the African agriculturists and pastoralists have not made any appreciable progress in their economic position, and that suggests that they recognize that the industry in which the African is engaged is mainly on a sub-economic level. They have recognized that the industry in which the African is engaged is mainly in a consumption economy level, and that is what 99 per cent. I would say, of the African community are living upon now. What justification is there, I suggest, at this juncture for imposing a wealth tax on these people? There will be no wealth to tax.

I now suggest other sources of income of the African community. We know

[Mr. Mathu] very well that the wages paid to the majority of the African people in employment are extremely niggardly, and to suggest that they should pay more does not make sense.

The final source of African income is trade. In one of the tables of statistics which this committee has produced showing the investments by private and public companies deposited in the banks, you will see that it is only during 1945 and 1946 that Africans have really seriously gone into business, and the capital they have been able to invest is comparatively very very small. When that is the situation, and while the committee has not produced any convincing statistics to show that what I say is wrong, and that in fact there is enormous wealth in the native land units, I cannot see any sense in their recommending a departure from the system of flat rate direct taxation of the African people, which is the only equitable and justifiable system which can be applied to the people at this stage of development.

There have already been complaints by the African community that, whatever the Government and the other communities say, the African is not receiving his return share of the tax that he is already paying. The Chief Native Commissioner in 1924, in his Native Affairs Report of that year, said this: "It was strongly felt both by the natives and by administrative officers that the present expenditure from general revenue on direct services to the natives does not represent an adequate return for the taxation they pay." That could be said in exactly similar terms if my hon. friend the Chief Native Commissioner would like to follow in the footsteps of his predecessor and say something in this Council to-day. Incidentally, I should like to say that I was very happy indeed to see the report for native affairs yesterday placed before this Council, because we have missed it during the war years.

In "Race and Politics in Kenya" Huxley and Perham support this view. They say: "The Africans in most districts received very little return for the relatively high taxation they were paying except the bare structure of law and order . . ." That I think is true. I have already said that the proposal for a wealth tax on Africans is inopportune

and premature, and I have indicated that my reason for saying this is not a question of the equity of taxing in accordance with the individual's capacity to pay. That principle has been accepted in the civilized world for many years, but what I am saying is that the African community of this land is not yet ready to understand all the implications of assessments and the rest of it.

Sir Alan Pim in 1923 examined this proposal of applying the principle of direct taxation to Africans in accordance with the Nigerian system, and his conclusion was that that system of taxation was not suitable to Kenya conditions, and I entirely agree with him. He goes on to show that the unit for assessments for tax in Nigeria was the village, and that here in Kenya we have not got that system, and that you would have to take the unit as the individual hut because we have not got the considerable villages they have in Nigeria. Secondly, in Nigeria before British occupation, they had in the northern part the Mohammedan system of the tithe whereby the people paid a proportion of what they earned to their emirates. We have not got that system here, and we had not got it before the British occupation.

The reason why it was possible to extend that system to the southern parts of that territory of Nigeria is because the Government made a rebate of 50 per cent of the produce of the towns to the local authorities. Therefore it was a tremendous stimulus to the local authorities to collect closely the tax which they gave to Government, with the ulterior motive—if you like to put it that way—of retaining 50 per cent of that tax to run their own local services. That enables them to levy a low rate of tax for their own local services, because they have already had a rebate of 50 per cent from the tax they paid to Government. I have personally advocated that system here, but no one listens. The Plewman Committee state in paragraph 148: "It is probable, indeed almost certain, that the African taxpayers will be required to pay considerable increased local rates in years to come." That is definitely contrary to the system in Nigeria; that is to say, the 50 per cent rebate in Nigeria enables the local authorities to tax themselves less. The Plewman Committee anticipates the African tax-

(Mr. Mathu) papers paying considerably increased local rates.

What I am trying to suggest is that the principle the Committee has recommended of introducing a wealth tax for direct African taxation is inopportune, and cannot be accepted at the present juncture by the African community.

They propose that there should be an incorporation of the poll tax into the personal tax. If my contention is right, there would be no great departure from the poll tax system as adopted to-day, because I do know that certain people find it difficult to pay but, as I say, taking the picture as a whole, I think it is a fairer tax now than the one recommended by the Plewman Committee. The Plewman Committee goes on to say, as has already been quoted by previous speakers, that "generally speaking the present burden of taxation on the African community cannot be increased without causing hardship". If I take that phrase literally I would say that the Committee already anticipates that, even if the principle of taxing the African community is accepted, that will not enable the country to get more money for the central Government. If that be the case why recommend a principle just for the sake of recommending it, if it is not going to alter our budgetary position? If they knew that the burden of the African taxpayer cannot be increased any further it means they cannot pay any more than they are paying at the present moment, and I can see no point in recommending a change of policy which we know now is not going to swell the finances of the Government.

I should like to quote from Sir Willfrid Woods' report which was issued last year—a very able document—in page 152 of which he says: "No substantial increase of the total yield of the native poll tax can be expected to reinforce central revenue in the near future; nor can any very substantial increase in the yield of the local rates be expected to add to the revenues of the Local Native Councils. Additional native taxation sufficient to modify substantially the budgetary position of the central Government is unlikely in existing African economic conditions. Changes in the distribution of these native taxes do not appear to me to

be expedient in present circumstances." That is exactly what I am trying to say, but I cannot say it as well as Sir Willfrid Woods himself did.

There are a few other points I should like to comment on and then sit down.

I am in entire agreement with the recommendations of the committee—one agreement so far—that the tax should be collected directly. I do not suggest that we must not collect every cent that the people owe to the Government so as to enable the Government to run the country. I have never suggested that we should encourage evasion or anything else that would prevent the regular flow of taxation into the box of my hon. friend the Member for Finance. He can have as much as he likes, but he must have it in the way that does not cause hardship to my own people in their present circumstances. Therefore I should like very much indeed to support the recommendations contained in this report in regard to the collection of tax.

One point I should like to emphasize is that tax collectors—African clerks who are engaged in this work—should be paid better salaries than they are at present. Without that, temptation is very great, and I do not think it would be in the interest of Government or the country to pay them anything but very good wages.

The committee also recommends that there should be voluntary tax gatherers—employers of African labour. I oppose that. I do not think it is proper for anybody other than the Government to collect taxes. The hon. mover suggested when dealing with local rating in municipal areas that municipal authorities should not collect tax, but that the Government should. I use the same argument in saying that employers should not be tax gatherers. The collection of tax should be done by the Government and through Government officials; not through people who are not employed by the Government. In that connection I should like to oppose the principle recommended by the committee that there should be a "pay-as-you-earn" business. That is not right. Government should collect taxes and the taxes should be paid to Government, and should not be paid to employers.

On the question of evasion I have already given my support, and no African

(Mr. Mathu)

I know would suggest for a moment that there should be any evasion, but let me say that the hon. mover and the committee have, I think, erred on the side of exaggeration. They say that at best, 60 per cent of the tax is collected in African areas. That I may say, in all deference to the committee and the hon. mover, is due to lack of knowledge of the circumstances, because the Africans do pay a higher percentage than 60 per cent. I hope the hon. Chief Native Commissioner will in the course of his speech make that point quite clear. A certain amount of evasion definitely there must be, even in income tax, but it is not to the extent the hon. mover or the committee have pointed out.

There is then the question of rating in urban areas and the financial inter-relationship between Local Native Councils, on which I shall not comment, as I know my hon. colleague Mr. Ohanga will speak at length on this point.

Finally, I should like to come to the question of indirect taxation. I am in general agreement with the committee's findings on that subject. I am not happy, however, at their inclusion of items such as sugar and tea in the list of articles recommended for higher customs duties, because this again will work most harshly on the mass of African consumers. But I do not wish to press hard on that one because, after all, I think tea and sugar are luxuries and people can do without them, but of course I should have been happier if the committee had included higher customs duties on such things as cosmetics. (Laughter.) I do not know whether Mr. Plewman did take that point very seriously.

I should also like to comment on the possibility of increasing the entertainment tax. That is also a source that we can tap, and the poor people who cannot afford to attend places of entertainment would not need to pay.

In conclusion, I should like to say that I oppose this motion, and I oppose in general the recommendations of the Plewman Committee, and I know that if the Government accept this principle of a wealth tax for local African areas and implement it, two things will happen. Firstly, opposition will be very great, and as the hon. Financial Secretary says, if

you can make a tax popular that is a good thing. This will not be popular. Secondly, we shall lose financially in the administration of assessments in wealth but in the assessing of chickens, cattle, agricultural produce and so on, it will not be worth the trouble. If you want to spend more to get less I do not think you will be regarded as good businessmen, as good economists, or as good administrators.

In conclusion, I should like to quote a small paragraph which I agree with. It was written many years ago by an English economist, Adam Smith. He says:

"A tax may either take out or keep out of the pockets of the people a great deal more than it brings into the public treasury in four ways: 1. The levying of it may require a great number of officers, whose salaries may eat up the greater part of the produce of the tax, and whose perquisites may impose another additional tax upon the people. 2. It obstructs the industry of the people, and discourages them from applying to certain branches of business which might give maintenance and employment to great multitudes. 3. The forfeitures and other penalties imposed upon those who attempt to evade the tax may frequently ruin them. 4. By subjecting the people to the frequent visits and the odious examination of the tax-gatherers, it may expose them to much unnecessary trouble, vexation and oppression."

I beg to oppose the motion.

The debate was adjourned.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned until Wednesday, 22nd October, 1947, at 10 a.m.

Wednesday, 22nd October, 1947

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 22nd October, 1947.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the proceedings with prayer.

MINUTES

The minutes of the meeting of 21st October, 1947, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 73—JIPE ESTATE, TAVETA

MR. MATHU:

Is Government aware of the fact that the Taveta are claiming the land north of Lake Jipe which is styled the Jipe Estate? If the answer is in the affirmative, will Government please state what steps they are taking to make this land available to the Taveta people who need it badly for grazing their cattle and for other economic purposes?

MAJOR CAVENDISH-BENTINCK: The answer to the first part of the question is in the affirmative.

Regarding the second part of the question, Government does not propose to take steps to make this land available to the Taveta people. The Taveta had every opportunity of placing their claims of right and their economic needs before the Carter Land Commission. The Report of that Commission contains no recommendation in respect of land which is now the Jipe Estate and as the hon. Member for African Interests is aware the recommendations of the Carter Commission were accepted by I.L.M. Government and the Government of this Colony.

MR. MATHU: Arising out of that reply, is Government satisfied that the Jipe Estate is being developed and fully occupied?

THE PRESIDENT: I do not think that calls for an answer, there is nothing arising from the question.

STANDING RULES AND ORDERS

OTION TO AMEND DEFERRED

On the following order being called from the Chair: That Standing Rules and Orders be amended so as to permit

members to rise on a point of explanation while another member is speaking, provided that the interruption conforms with the usage of the Commons House of Parliament of Great Britain and Ireland.

MR. COOKE: Mr. President, with your permission, in view of the ruling which you gave yesterday about procedure, I should like to put this motion which I have tabled into cold storage while the matter can be considered.

THE PRESIDENT: I take it Council will agree?

Consideration of the motion was by leave deferred.

TAXATION INQUIRY COMMITTEE, KENYA, 1947

IMPLEMENTATION OF PRINCIPLES

The debate was continued.

MR. HOPKINS (Aberdare): Mr. President, having spent rather more than a quarter of a century in struggling with the collection of native hut and poll tax in various parts of this Colony, I should like to make a few remarks in support of the sections of this most excellent report which refer to native taxation. But before doing so I should like to do my best to remove the very unfair impression which this report seems to have given that administrative officers are not as conscientious or as zealous in the collection of native hut and poll tax as they should be.

I know full well to the contrary that the District Commissioners in all native tax areas of paramount importance, and I do not believe there is a district officer, or even a cadet, who does not realize that tax evasion reacts adversely on all other work in the district and also undermines his own prestige and authority. The idea that District Commissioners deliberately underestimate the amount of the tax they think they can collect, because they are afraid that if it is not realized they will in some way prejudice their promotion is, I think, quite fantastic. (Hear, hear.) I hope that today from the other side of Council we shall get some indication as to how these wrong impressions were put into the minds of the committee.

With the inadequate staff at the disposal of District Commissioners, and

[Mr. Hopkins] the ever-growing mass of work which they are called upon to perform, tax collection today is a continuous nightmare, which goes on from the beginning of the year until the end of the year. I do not think that the Committee could have realized the amazing increase of work there has been in the last ten or fifteen years. About fifteen years ago the main work of a District Commissioner was to collect tax, and he used to go out month after month for two or three weeks and spend his time doing nothing else but collecting tax. When he returned to his *bona* he found an accumulation of about twenty letters. Nowadays, tax collection is only one of the many important things which a District Officer has to do, and in most stations these days he gets at least fifty letters a day.

While I also think it is a serious overstatement to assert that the collection of tax in tribal areas is at best only about 60 per cent accurate, I do agree that the position is serious and has been so for some considerable time, and in paragraph 145 of the report the Committee has made some very sound suggestions for improving it. Especially important is the recommendation that there should be more revenue officers, and that the native collecting staff should be strengthened by the appointment of more highly qualified and better paid men; but I should like to record it as my considered opinion that I think the key to the solution of the problem is the appointment of sufficient revenue officers to supervise the work of the native staff. It has been proved time after time that, unless there is adequate supervision and assistance given by revenue officers, sooner or later the African staff is liable to fall from grace.

Those of us who have had to do the collection of poll tax from Africans realize fully that the present flat rate poll tax system is both unscientific and unsatisfactory. On the one hand, it very often reacts hardly on the poorer peasant type and, on the other hand, it enables an altogether inadequate contribution from the large and ever growing number of Africans who are at different stages of the journey on the way towards wealth sufficient to bring them within the scope of the Income Tax Ordinance. It has long been apparent that people who

occupy the gap—the considerable gap—between the poor peasant and the really rich man should make a more adequate contribution to the revenue of the Colony. I do believe that the Taxation Committee has gone a long way towards solving this problem by their proposals for a multi-scale graduated form of wealth tax, referred to more particularly in their paragraphs 84 and 119. It is quite obvious, however, that the implementation of these recommendations will need to be a gradual process, and applied to districts and tribes as they become ready for it.

Earlier in the history of native taxation in this country the Government used to apply the same flat rate to pretty well all districts in the Colony. In recent years they have reduced the unit, and now there are periodic assessments of the ability to pay of districts. Revenue is, however, still being lost not only because quite a number of areas in a district are well able to pay a tax higher than the basic district rate, but also because there are areas in districts where, perhaps through lack of fertility or through local failure of the rains, the basic rate of the district is so burdensome as to encourage evasion. It is clear, in fact, that the unit of assessment is still too high, and I think that consideration might well be given to making use of these assessment boards to enable a smaller unit to operate in connexion with poll tax, if there is likely to be unreasonable delay in the implementation of the personal tax recommendations.

We all of us, whether Africans or otherwise, have a latent tendency to avoid our tax obligations, but if native taxation can be made equitable and have the backing of local opinion as expressed through these assessment boards, then I feel that fear of the consequences of evasion may be strong enough to outweigh the urge to evade.

I beg to support.

MR. OHANGA (African Interests): Mr. President, I rise first, if I may, to pay the highest possible tribute to the chairman, secretary and members of the committee which has placed before us this truly magnificent report, which we all feel is worthy of acceptance. I should like to associate myself most heartily with members on both sides of Council, and the

(Mr. Ohanga) The crux of the matter is in paragraph 149, page 47 of the report, where they recommend a wealth tax in local government areas. They recommend the incorporation of the African system of poll tax in a general system of personal tax, which would be non-racial. Before I go any further, I should like to say that I agree with that principle as a principle, but, as my hon. colleague Mr. Mathu said, what we feel is that it would be wrong to bring it in with the African in his present state of development. I tried hard to find out why the committee reached such a decision. As far as I can see the only valid reason is that given on page 46, paragraph 148, where they say that there is enough wealth accumulated in the African reserves to warrant such a tax. It says there: "It cannot be denied that there has been a considerable expansion in the African's participation in trade but there has been relatively little advancement in his economic position as a wage earner and moderate advancement in his capacity as an agricultural producer." They also give a further example in paragraph 82, page 25. This is actually part of the evidence given to them by an officer of the Government and I think he will probably have a lot more to say. They say:—

THE PRESIDENT: Will the hon Member for African Interests address his remarks towards this end of the Council please? We are all a little bit unable to hear him.

MR. OHANGA: May I go over that paragraph again?

Page 25, paragraph 82: "Logically, there should be a marked decline in the near future while work on rehabilitation is proceeding, and attempts are made to get land rested. This logical deduction, however, is not substantiated by statistics in that African production, certainly in value but probably also in volume, is still on the upward trend as will be seen by the figures submitted by my department. It is difficult to give any estimate of what is really produced in native areas. One can only indicate the surpluses that come on to the market, and compare these with similar surpluses which came on to the same markets in the past." The committee went on to give some indication of the position of African wealth. On page 26, paragraph 83, we find this remark: "This and other

(Mr. Ohanga) evidence, however, indicate that while the average income of the African agriculturalist or pastoralist is small there is nevertheless a great variation in the wealth and incomes of individual Africans' in many parts of Africa successful attempts have been made to relate tax collected with ability to pay and there appears to be no reason why similar attempts should not be made in Kenya." I find that those are the only points of evidence from which they base this very very drastic recommendation.

As regards the evidence on page 25 about surplus sales of produce, that alone can never be taken to show that African wealth has increased in any way. The produce sold at the markets does not show that that produce is surplus to what they need, if surplus means something which you can do without. It is sold in order that money may be found for the needs of the family other than bread. The African buys meat, fish and other things which do not grow in the garden. The African, like everyone else, needs clothes. Having no other source of income than from the sale of garden produce, he sells what he grows in order to get clothes for himself and his children. He is taking out of his store what he really needs for himself and his children, but because of the pressure of these other things it has to be used.

What is wrong with poll tax? Throughout the report I cannot find any evidence to show that there is anything really seriously wrong with poll tax as a system of direct taxation. The only remark which I find is that it amounts to a fixed charge on a district. That may be unsatisfactory, but I believe it is the best at the present time, with the population increasing as it is—and I hope it does—and also the changes in the economic situation of each different unit, but I do not really think it is necessary on that ground alone to advocate a change at this time.

Some of the other paragraphs I have read simply show, according to the wording, that the country has prospered in a way, that they are getting some money coming in from their crops, and also from trade and so on. We know that so far as African society is concerned agriculture is the main source of wealth and it is a very vital industry for this

country. Quite apart from that, even if it were developed on scientific lines, it would be a long time before we got all that the African needs from the garden. He will have to find from other sources what he and his children want for home consumption.

The other source of wealth is income from wages. The African goes out to work in order to earn money to support himself and his family. On page 12, paragraph 46, you will find that the committee have tried to find out what is happening in the country, and they found that the legal minimum wages varied from Sh. 28 to Sh. 40 and so on. That is a very low wage indeed; it enables a person to subsist and no more.

Then trade. It is said in this country that Africans have been participating increasingly in trade. I agree too. A question was asked by an hon. member at that point, and we know the answer we got. I do not think they want anything in the nature of the change advocated in this report. I feel that all these things taken together do not warrant a change at all. A previous speaker this morning has mentioned that the clerical class of African get more money, but they are not taxed sufficiently, and that they compare unfavourably with their peasant neighbours. I agree, but if you will turn to the statistics about the comparison of direct and indirect taxation you will find that the amount of revenue that is coming in from indirect taxation is as much, if not more, than that coming in from direct taxation. I submit that that is sufficient tax for the African who is highly paid. He is surely making his contribution to the revenue of the country for public services in the capacity of a consumer of imported goods. I do not think at this time there is any reason why we should try to tax him more than that. Quite apart from that, it would be very, very difficult to introduce a system which would affect just a clerk and the chief and people of that type alone. The system that now operates in the reserves is communal.

Then the other point I should like to comment on before I sit down is old age-taxation relief. I see that recommendations have been made in this report for relief of taxation in respect of non-Africans, but nowhere in the report is

Secondly, Mr. President, if I may, I should like to establish what I believe, after a study of the report, to be the African point of view, or rather the point of view that the African community should take. The committee in its excellent work has done a great deal for all of us, and I think that most of the proposals made in the report affect all of us in this Council, but the African community as a whole may have a case which is rather different from that of other races, and for that reason I am going to oppose the motion. Before I try to qualify my opposition, I must say from the beginning that this document is very difficult to speak against without risking so much that is for the public good, but at the same time I realize that that alone should not be the only consideration, because none of us is here for his own interest, and for the sake of the millions of Africans living a life of economic depression in the reserves I should like now to oppose the motion.

I am opposing it for four reasons. First of all, the recommendation is made for a departure from the poll tax system, although sufficient reason is not given for it. Secondly, I do not find recommended in this report substantial relief for that section of the African community which I believe is very poor and is at the moment worthy of relief of some of the tax they pay. The third reason is a political reason. Having accepted the position of working together, I do not see any reason why the African community was not allowed representation on this committee which had so much to do with them. Fourthly, I cannot accept the report as a whole without weakening the African case for a categorical rejection of a part. For those four reasons I beg to oppose. As I have already said, it is very difficult because the report is very good indeed, as a statement of future fiscal policy, but, as I have said already, I do not think that that alone can meet the African case. My colleagues and I still feel justified in trying to establish the African case in so far as we can see it in the reading of this report.

[Mr. Ohanga]

there any recommendation made for the relief of the poor African from any form of tax. In practice I know that certain Africans in the reserves are relieved from paying tax, but I do not find in this report any comprehensive relief advocated for such people, because a lot of them are living under conditions that would warrant taxation relief, and I should like to have seen a recommendation to that effect in this report.

I now come to Government grants to local native councils. My colleague, Mr. Mathu, spoke on that point yesterday and I wish to add a few remarks. I should like first of all to draw your attention to the table on page 72, which shows a comparison of revenue and expenditure of local native councils for the years 1935 and so on. Studying these figures, one is impressed by the steepness of the rise in the amount of taxation that the African community has been paying in the form of rates in support of their social services in rural areas. The revenue has increased from £71,000 to £183,000. Every year brings some increase. That being so, you will see first of all the inadequacy of the country's social services among the African people, and secondly, you will see that relief might be given in the way of grants by the Central Government. According to the record you will see: 1935—nil; 1938—nil; 1941—nil; 1944—nil, and then a sum in 1947. That, I believe, is serious. Africans in the reserves have had to tax themselves to full capacity in order that they may get some social services. The result is that the local native council rates have risen considerably and are still rising. I believe there are many other forms of taxation which are voluntary. These and other things of that kind do show that there is a great deal of need for a central grant being given to the local governments in African reserves.

My hon. friend Mr. Mathu referred to the fact that as much as 50 per cent of the revenue collected from people should be given back to them in the way of rebates. That, I think, is a very sound idea indeed, because recently a very large proportion of the social services being maintained by the central funds were transferred to local government, and in order to make everything go smoothly, because they could not get anything

from the Central Government, they had to increase the rate. I think it is an unsatisfactory position. I think it is time the Central Government gave a substantial grant of the order of 50 per cent.

On page 20, referring to Africans in urban areas, something is said to the effect that Africans in urban areas are not contributing sufficiently to the social amenities which are being provided by the municipal authorities. I agree that there is no proper form of rating that covers them, but I should like to make this point, that Africans in urban areas pay in the way of concealed tax; that is, beer halls and things of that kind, and it may be that that form of taxation alone is sufficient for the time being, because the African worker who lives outside his own native area lives a double sort of life. Apart from maintaining himself in a municipal area, he generally has a home to maintain in the native areas, and a large part of his earnings goes to his home in the reserve. In the report it is said that he enjoys the amenities of town life without paying anything towards them. I feel that is somewhat inaccurate and gives a wrong impression, because the urbanized African is to my mind a lot more heavily taxed than the African who lives in the native reserve because he has to maintain two homes. It needs money to plough up the land in the reserve, and the man earning money far from his family has to remember that a lot of money will have to be sent to his home in order that ploughing may go on, and the family maintained.

It seems to me that in trying to oppose the recommendations of this very hard working committee, which has given us a very good report, we may be throwing away so much that is good, and I should like to support the main suggestion. I support the suggestion for the introduction of a system of personal tax among Africans, on the ground that the recommendations contained in this report somewhere about assessments are first of all implemented. The reason why we cannot agree to personal tax is that we are in the dark entirely. Nowhere have we any statistics which would show that the economic position of any group of Africans anywhere in the country has improved, and when we talk of personal tax that will have to be based on the capacity of the individual to pay. I

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suggest that long before we can agree to that measure we should have these assessment boards which it is suggested should be charged with the task of assessing the individual's capacity to pay and so on, and that might be a sort of social and economic survey giving the data we need in order to be able to assess the economic conditions of the African.

Until that happens I do not think we as a Council, charged with this very serious responsibility of deciding policies which govern the activities of Government and the people of the country, can have any grounds at all for advocating any departure from the present system of poll tax.

With these remarks I beg to oppose the motion.

CHIEF NATIVE COMMISSIONER (Mr. Wyn Harris): Mr. President, I rise to support the motion, and in doing so I want to make it perfectly clear that I support the principles in this report and that I am strongly critical of several of the recommendations. As I am going to be strongly critical I do wish most sincerely to lend my name to the high praise of this report. It is a most thoughtful contribution to our fiscal problems, and my only regret is that the hon. Members for African Interests have failed to recognize the great contribution in this report to the problem of native taxation. I will deal with these points *seriatim* later.

I cannot resist the challenge that I can give my personal opinions on this report. (Laughter and hear, hear.) I am not quite so certain that hon. members on the other side will say "hear, hear" in another five minutes. It is over the question of income tax, and has nothing to do with native affairs.

There are two members on this side of Council, the hon. Deputy Chief Secretary and myself, who feel personally very strongly on this point, and he is also going to add his remarks to the debate, and we are going to speak as citizens looking at our elected members. We speak as a minority, but a minority holding very strong opinions. That is, in spite of the report, in spite of the almost unanimous opinion in this country that income tax should be reduced, we do not consider that income tax should be

reduced at the present juncture. My reasons are these. We are going through a period of prosperity at the present time. You have only got to go to Nairobi at the present time and see the standard of living of the Europeans and Asians in the higher income group to believe that we should be better off if there was a lower standard of living and applied our excess income to that reserve of three millions of the hon. Financial Secretary, so that we can meet the economic storm which is certain to break on us in the next two or three years. I am a taxpayer, and I do not like paying taxes any more than anybody else, but I believe that in the interests of this country and its stabilization we should continue to pay the present rates of tax, and pay as cheerfully as we can, which is possibly not very cheerful.

Having said that, I will now get on to my own subject, which is African taxation. I propose to confine my remarks to two aspects of the report. First of all, the incidence of African taxation. I propose to confine my remarks to two aspects of the report. First of all, the incidence of African taxation and the system of African taxation, and secondly, the rather contentious subject of evasion and the method of collection.

I am no financial expert, and I look at the forty-two recommendations in this report with some trepidation. I feel a little like St. George, wondering where to prod the dragon first. I propose to prod it at paragraph 146. That section has already received two or three shrewd knocks both from the other side and this side of Council. The hon. Member for Nairobi South puts one construction on it, and my hon. friend the Financial Secretary puts another. I submit that there is only one construction we have got to put on it. This recommendation can only mean one thing, that whatever system of direct taxation is imposed on Africans at the present time—leaving evasion aside—no appreciable amount in the total amount of tax collected from Africans can be expected in the near future and I cannot read into that paragraph anything more or less. There may be some increase, but it will not be appreciable. Further, I would point out to the African members that on that linch pin turns the question

(Mr. Harris) of the incidence of African taxation as contained in the rest of the report.

Now we have got to examine the rest of the report on African taxation from that paragraph, because that is what the committee did. As a personal opinion, only, I do not accept paragraph 148. I believe myself that under an improved system of taxation on wealth we could, without any hardship to Africans, quite appreciably increase the total taxation, but that is not what the committee says, and we want to be clear in reading the report to remember that the recommendations for a wealth tax will in their view alter the incidence of taxation between Africans without increasing the total burden. We heard a great deal from the hon. Member Mr. Mathu yesterday about the lower class of African taxpayer and his inability to pay more. Of course, if we had a wealth tax, and the richer Africans paid the higher rate, according to the report, the lower class would pay a lower rate and would thereby be relieved. I want to make that point perfectly clear, and it is, of course, one of the canons of reasonable taxation. The hon. member quoted yesterday Adam Smith, who has been quoted in this country before; he was quoted in the report on native taxation by Mr. Montgomery and Mr. Walsh, and the first canon they quoted from him was, "The subjects of every state ought to contribute towards the support of the Government as nearly as possible in proportion to their respective abilities to pay." That is exactly what this report advocates.

Bearing in mind paragraph 148, could we turn to paragraph 81. This is where the committee recommends that "a system of local rating on wealth to be substituted for the present flat rate basis in all local native council areas". I consider that that principle should be welcomed, but there are two very large "but"s to it. The first has already been raised by the hon. Financial Secretary. He has pointed out that local government is in fact local government, and that this form of taxation has got to be imposed by the will of the people working through their local government. Quite apart from the fact that any taxation by local government must be imposed by the will of the people, it is quite obvious that

this form of taxation, where you have to have a very elaborate survey, does require larger support from the people if the tax is not otherwise to be entirely and absolutely ineffective in its assessment and collection. We can see from what the hon. African members themselves have said, that we have got to go a long way in persuading the African population that this is a sound and honest way of taxation, and that until we achieve some form of wealth taxation the progress of the African in this country is bound to be extremely slow.

Having said that, I now want to raise the question of the practicability of it. It may be extremely desirable, and I feel it is, but here again we have got to realize that we are merely altering the incidence and not increasing the total to be collected, and we may find in practice a wealth tax can be extremely complicated. The Plewman Committee dismissed the practicability in three lines. They say: "In many parts of Africa attempts have been made to relate tax collected with ability to pay and there appears to be no reason why similar attempts should not be made in Kenya".

I have not got a very large library. I am afraid, and Lord Hailey's African Survey is almost the only authoritative work on taxation that I have, and from it I cannot find that "in many parts of Africa" a wealth tax has been imposed. We all know that it has been imposed in Nigeria, and the committee says: "The system in operation in Nigeria, which is fully described by Lord Hailey in his book 'An African Survey', appears to be one on which a system for Kenya, modified to suit local conditions, could be based". Well, I want to sound a very strong note of warning on that particular statement, because it has been examined before in this country. It was examined in quite a lot of detail in the Walsh-Montgomery Report and turned down. They examined these different proposals for a wealth tax and dismissed them as impracticable. In Lord Hailey's survey he makes it quite clear that there is a basic difference between Nigeria and this country, that is, that in Nigeria you have compact communities where you can quite easily survey the wealth and income of each individual, very few go out to work, whereas in a place like

(Mr. Harris) Kenya half the taxpayers are out at work at any one time.

I ask you to listen to this by Lord Hailey describing how the system works in Nigeria and then realize the practical difficulties we will have in first devising a workable system and then persuading the African that it is a sound one: "The average annual cultivation of the area concerned is estimated, and a cash value assigned to it; the amount taxable is a proportion of the gross value thus ascertained. An estimate is also made of other earnings such as those from live stock, trade and industries; it is typical that even the assumed income of the drummer, the beggar, or the seller of magic charms enters into this calculation". That gives you some idea of the complications of the assessments in Nigeria. I regard with some trepidation a council of elders at Fort Hall trying to assess the assumed income of the three-card tricksters down River Road and "spivs" who turn a dishonest penny (laughter), while it will be more difficult to estimate the incomes of some of the secretaries of the political bodies which spring up every day. (Laughter.) There it is. There are very great difficulties, but if we are going to have a wealth tax we have got to surmount those difficulties. I feel myself that where it has got to come—and the committee have hit the nail on the head—is through the African local governments persuading the African that it is suitable and getting him to assess himself as highly as he possibly can, taking into consideration his taxable capacity.

So much for a wealth tax for local governments.

Could we now turn to paragraph 149 which deals with the incorporation of the poll tax into a personal tax. I find it very difficult to understand why this section appears when we already have a proposal of a wealth tax for local government. First of all, if we accept this recommendation, we will need two entirely different assessments, and—the second assessment for the Central Government tax, as the hon. Financial Secretary pointed out—is going to be a very complicated one. I cannot feel that the committee have given it anything like sufficient thought when making this

suggestion, because if you are going to have a non-racial personal tax it means to say that the form of assessment for the non-native and the African drawing Sh. 10 a month is going to be the same, the method of making the assessment will be the same, and in my view the suggestion is quite impracticable. I will go further. If you are going to have a non-racial tax the machine for collection is going to be the same for each race. Are we going to break into a fairly well proved system of native poll tax collection whereby the African appears and pays his tax on a stated date, or are we going to sweep that away and say to the European and Indian that he must appear on a stated date to pay the tax. The whole of the machinery must be the same if the thing is to be really non-racial, and I cannot believe it is a practicable proposition until we get to the stage of universal identification, universal registration and one system of collection right throughout the country. Personally, I do not believe we shall get that for many years—long after we, anyhow, have ceased to be of any use to this Colony.

I now come to paragraph 150, and this is where I find myself at odds with the committee. I find myself at odds with the committee because it is an old snake raising its ugly head once more. We had it thirty years ago: "Let us increase taxation within the reserves and force labour out to work". I do not suggest the committee meant that when they wrote that particular paragraph, but if you read it carefully it can mean that and nothing else. In this case, however, it is put the other way round, maintain the rates in the reserves and reduce it in industries to which you wish to attract labour. I find myself in entire agreement with the hon. Member Mr. Mathu on this point. I go further and say that the thing is completely contrary to one of the recommendations of the International Labour Convention. It reads as follows: "Members should take into consideration the desirability of avoiding indirect means of artificially increasing pressure upon populations to seek wage-earning employment and particularly such means as improving such taxation upon populations as would have the effect of compelling them to seek wage-earning employment with private undertakings".

[Mr. Harris] I will go further. It is dressed up as a fashionable anti-soil erosion measure. I know that I have the support of my hon. friend the Member for Agriculture when I say that even if this proposal was successful in getting labour out to work, it will not have the slightest effect on the population pressure in the native reserves. It will not bring out the wife or child, but will merely be a bait to attract labour into one particular industry, and I most strongly oppose and always have opposed any fiscal measure used as a means of attracting labour. (Hear, hear.)

Now I come to paragraph 151: "The committee therefore recommends that steps be taken to obtain and keep up to date returns of marketed agricultural and pastoral products, and estimates of production for home consumption." I believe it to be essential. We will have to hand the task over to the usual beast of burden mentioned several times in this Council, the District Commissioner, and he will have to do his best. But I feel very strongly that we have got to produce these figures in some way, and at some period we may have to come back to this Council and ask for extra staff so that we can begin to do something about these sort of things. But do not run away with the idea that figures are easily or cheaply obtained. They are not, but we need those figures and I feel we should get them.

Before going on to the question of evasion, there are one or two points raised by the hon. Member Mr. Mathú, and I feel I should deal with them now.

His first attack on the report was that there was no African interest represented on the committee. Well, there is a name at the end of this report which I should have thought showed the bearer was one who had the African interests at heart, and not only the African interests at heart but certainly the ability to put his point of view far better than I can and certainly far better than any African can. (Applause.) The hand of that particular individual shines out in each sentence of these native location recommendations, not always shining out in a way I agree with, but there it is plain for all to see, and I find it extremely difficult to understand how anyone representing African

interests could possibly regard this report as anything but a step forward. The proposal to go from a flat per capita tax to the most primitive form known, into a form of tax depending on ability to pay, is in the best canons of the theory of taxation. For the hon. Member, Mr. Mathú to say that is retrogressive and unfair shows that we have got to go a very long way in persuading the African that in the end a wealth tax is in the end the best system, if indeed it is practicable. I have already dealt with the question of its practicability.

The debate was adjourned.

Council adjourned at 11 a.m. and resumed at 11.15 a.m.

The debate was resumed.

Mr. WYN HARRIS (continuing): Mr. President, I left off when I was commenting on certain aspects of the speech of the hon. Member Mr. Mathú. There are just two more points of his speech. I do not propose to go into details on these, but there are two I cannot let pass without comment.

The first was the suggestion that whereas this report had recommended a reduction in the tax of the Europeans and Asians, it had not recommended a reduction in the African's tax. That is perfectly true, but I would point out that during the last decade the European and Asian income tax has increased tenfold and the African tax in point of fact has not increased appreciably. In fact the rates of actual taxation have been steadily reduced since 1937 by one means or another. I shall come to this in more detail when I come to the question of evasion. For instance, the poll tax age was raised from sixteen to eighteen in 1938; the tax in Machakos was reduced from Sh. 14 to Sh. 8 during the famine, and so on. I will deal with this later when I come to evasion.

The second point which I cannot let pass without comment was the suggestion that one of my predecessors, Mr. Maxwell, in 1924 remarked that the whole of African hut and poll tax at that time was not going back into the native areas. I should think that in 1924 that was perfectly true. I believe it was true in certain areas in 1930 when I was a district officer. But it is significant that that allegation has not been seriously made for a very long time, and I would

[Mr. Harris] suggest to the hon. member that he should look just for a moment at the famine relief which has gone into Machakos in the form of subsidized food, and really think if he can support the contention that any of the African poll tax is not going back to the native areas and, indeed, I suspect much more as well. (Hear, hear.)

I have finished with the question of the incidence of African taxation, and if I may summarize just for a moment I should like to say that, obviously, a wealth tax is the best form of African taxation. Before we can impose it we must get the goodwill of the African and must show him it is to his own advantage and is not merely a desire to increase his total tax. We have also got to find, and I am not yet satisfied that we can, a practical method of imposing a wealth tax for the African in his present stage which is not costly and does not have so many loopholes as to make it useless, because we have before us this question of evasion. A wealth tax might be even more ineffective as regards evasion than a poll tax as imposed at the present time.

I now come to the question of evasion and the system of tax collection generally. I find it difficult to be very moderate in my remarks on some of the statements in the report, but I shall endeavour to be moderate! (Laughter.)

Firstly, I should like to say categorically that Government agrees that tax evasion by Africans has been taking place, and the evasion of recent years has assumed proportions which makes it necessary for drastic steps to be taken to put a stop to it. Having said that, I am not prepared to agree with many of the conclusions in these paragraphs, and I propose to deal with them one by one and show you where I consider them to be wrong.

By first, I must refer to the allegation in paragraph 142, to which the hon. Member for Aberdare has already called attention. It has been read out already, but I propose to read it again: "and that, in any case, they (the District Commissioners) would probably be unwilling to estimate highly in comparison with the previous year lest failure to collect up to that amount might be interpreted as a result of inefficiency on their part

and so prejudice their good standing in the service and their consequent chances of promotion".

I repudiate that on behalf of the whole of the Provincial Administration. It is a definite accusation against us that we are venal place seekers, and we are not. Against that background of that accusation I want to point out what District Commissioners have done in the last ten years. In that ten years we have had a major war, and where tax collection was one of our pre-occupations before the war, in 1939 we were faced firstly with recruitment of large numbers of Africans for the Forces. We had to get them in to district headquarters, to attest them, to give them blankets, to accommodate and forward them, and to give them pep-talks before they went. Then we were faced with the question of conscription for essential industries; we had to go through a whole long complicated system of appeals to see that the system worked fairly. The amount of labour and overtime which the district administration had to put in to carry that out efficiently was terrific. We have in the last decade been presidents of small local native councils, those councils have now become large authorities handling many thousands of pounds annually, and we have had to do that as efficiently as we can with inexperienced staff. During the war we had to deal with the question of the requisitioning of cattle and other stock for civilian consumption and the army, which was a very long and complicated process. We had to distribute famine relief, and very few people realize the enormous achievement of the district administration in places like Machakos. We successfully fed during war time the whole of the starving population, and we also had to find the food. I have had to do it personally myself as a District Commissioner and the amount of labour involved in getting food when food was short in the district was enormous. Many District Commissioners during the war were chairmen of their production committees, and anybody who has been chairman will know the enormous amount of detailed labour which the unfortunate District Commissioner had to undertake. With all that, they had to go on collecting taxes and giving the collection all the supervision they could and, as I hope to show, they have in the

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the native areas collected it extremely well and the Administration in the native areas has nothing to be ashamed of, even in regard to tax collection.

Why is it we admit that evasion is going on and why do we admit it is getting worse? Well, the answer is simple. The system of taxation, the whole set up of African taxation, was devised for one particular purpose, and that was that with groups of Africans living in the native reserves it was perfectly easy to count huts, and the amounts were paid village by village with little default. My hon. friend on my left and myself were cadets in this country twenty years ago. We collected many thousands of shillings over the table. A large amount of speculation and a large amount of evasion was stopped by the mere fact of District Commissioners going round the districts collecting taxes, but the present district officers cannot do that because they have not the time, and they have to leave it to the local authorities (who are not very highly trained) as against the cadets who formerly had nothing else to do but to collect taxes.

Further, during that twenty years the habits and life of the African have changed. In those days a man would come up and pay for the ten huts in his village. Now an unfortunate native authority finds that nobody will accept responsibility for anybody else's tax, and the amount of labour and trouble in collecting the tax is infinitely larger than even twelve years ago. What has happened is that large numbers of the population now go out to work, and if you care to refer to page 11 of this report you will find in a large measure an explanation of the difficulties of tax collection at the present time. It shows the number of employes out at work in November, 1946, as 345,000. I have taken the trouble to go into this figure with the Labour Commissioner, and the total number of taxpayers in that figure is 287,000. It does not take a very large amount of arithmetic to show that this represents £200,000 of the £500,000 tax due. In other words, nearly half the taxpayers are outside their native areas at any given time. Add to that the fact that a labourer on an average only stays in employment ten months before he goes elsewhere, and you will realize that in

any given year far more than half the taxpayers leave their native areas, and you can imagine the complications of a native authority when they find that half their tax is being collected in their area when the tax is collected elsewhere.

I submit that where the evasion is taking place is in the settled areas and in the large towns, and that is because the machinery for collecting tax is merely improvised on the old system which was formed on the assumption that the taxpayer paid his tax in the reserve. We have got to furnish up that machinery or make an entirely different system of tax collection, if we are really going to stop evasion continuing on a quite considerable scale.

This Council has had before it legislation regarding universal registration, and here is a case where we have got to apply universal registration. It will be perfectly simple to put your taxpayer at the age of sixteen on to the register; when he becomes eighteen he will pay and he will remain on that register during his lifetime, and he will not have to be recounted every year, or every three years, as the case may be. That is one of the chief causes of tax evasion at the present time; it is not due to slackness on the part of the Administration or to any other cause, other than this fact that the present system is archaic and is breaking down under the strain of modern conditions.

I propose to attack the whole question of the extent of the evasion. We have a most illuminating paragraph in paragraph 139, where you have a table showing the tax collected year by year, and it shows that during the years 1935 to 1946 the tax has not risen appreciably; this in fact gives force to the argument that in the native areas the tax is becoming a fixed charge, but the suggestion is that again is something which the Administration could have avoided and should have avoided.

What has happened is this. In the old days when you did your hut count it was perfectly simple on your hut count to give some reasonable estimation of what tax you were going to collect. At the present time this is quite impossible because of the number of taxpayers who pay outside their own particular area, so that it is the tax itself which has become

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a fixed charge, because the younger men as they become liable go out to work and they pay outside their areas. Very often they do not appear on the tax register of their area at all, or if they do, they certainly do not pay in the area. In other words, the tax becomes a fixed charge, but it is extremely difficult to see how the District Commissioner could avoid looking at the only figure he has available—that is the collection for the previous year—and asking himself whether he can increase it in the following year in order to get the full benefit of population increase.

In connexion with this schedule I want to point out that in point of fact the number of taxes paid has steadily increased—only the amount has admittedly remained the same. For instance, in 1939 the age of the taxpayer was raised from sixteen to eighteen, and that has steadily made itself felt over a decade. Raising the age by two years lowers by about 5 per cent the total tax payable, that is, £25,000. There is another factor which should be taken into account, and that is that between 1942 and 1943 there was a decrease in collection of £37,000, due to the fact that hut and poll tax was abolished and poll tax introduced instead; that is a diminution in the tax paid, but not an indication of a reduction in the number of taxpayers.

There is one other point I would should like to raise in this connexion, and that is that in Machakos the rate has been dropped from Sh. 14 to Sh. 8; it has also been dropped at Kitui during periods of famine; and it has been dropped at the coast. The total effect is that while the number of taxpayers has gone up—there is no question of it—the tax has remained more or less the same.

I would go further. If you really want to look into the incidence of African taxation, it would be fair to put the Government poll tax and the local native council cess together and have a look at those totals and see what the results are, and they are rather illuminating. In 1935 the total was £540,000 for the two. I have not got the figure for 1946, but the estimated tax and cess for 1947 has gone up to £702,000. In other words, the actual direct taxation paid by the African, both local and central, has gone up from £340,000 to £700,000. The drop of some-

thing like £50,000 due to the change from hut to poll tax should also be added to the latter figure. These figures, therefore, when explained do not show a picture of the tax of the African remaining completely static over nearly twelve years. I will admit, however, that there is a large element of truth in the accusation of fixed charge at the present moment in the collection of taxes in the native reserves.

Now, Sir, we come to the most contentious paragraph and that is paragraph 142. I have already expressed what I feel about the allegation at the beginning of that paragraph, and I will now go on to the three points—(a), (b) and (c).

I have no idea how the committee arrives at (a), how it can possibly be known whether the counters are correct or whether they are only 80 per cent correct; so I cannot comment on that usefully. With regard to (b), it is true, of course, that as a district approaches its target figure effective collection must go down, because when you are really concentrating on tax collection in the native areas it is a very full time job and it is a very important job, but the District Commissioner has many other, very important duties which are pressing upon him the whole time, and as he approaches what he believes to be the tail end of the thing, quite obviously effective collection does drop off as the target figure is reached. But I would submit that that is occurring even in England at the present time under income tax, and equally we are almost reaching the state there where income tax has become a fixed charge—and I see traces of it even here in the income tax of this country.

With regard to (c)—“effective collection of Poll Tax varies between 45 per cent and 75 per cent of the taxpayers recorded on the tax register”—I gave that evidence, but it does not seem to have been interpreted in the way I intended it to have been interpreted. (Laughter.) I said that as a District Commissioner, when I went through the registers of a district where a large proportion of the population was out at work, usually between 45 per cent and 75 per cent of the people on the register actually paid tax. I never intended to convey, and I do not think I did—at

(Mr. Harris) least I hope I did not—that tax collection was only 45 per cent to 75 per cent effective. What I meant was that there were more on the register who were first of all too young to pay tax, because the age at which they took their kipande out was sixteen; then there were the people who were too old or too poor and who were exempted by the District Commissioner; but by far the largest number were those whose names were retained on the register as being in the district, who were out at work and never returned to the district during the fiscal year and who paid their tax in the settled areas. But to suggest that "this would seem to indicate that the collection of poll tax in tribal areas is only of the order of effectiveness of, say, some 60 per cent at best" is, I submit, nonsense.

I would appeal to my hon. friends the members for African Interests—one lives in the Kikuyu and the other in the Luo country—and I should certainly be very pleased to know whether they think that only 40 per cent of the taxpayers in any native areas are not paying tax. In point of fact the collection in native areas, in my submission, is quite good and evasion has not got very much worse during the war.

The committee goes on to say: "One African witness informed the committee that the local native council of the area from which he came was so worried about the ineffectiveness of tax collection, thinking as it does local native council revenue, as the two are collected at the same time, that it is proposing to conduct its own census with a view to testing the accuracy of the tax registers and the effectiveness of the Administration's system of collection." Well, Sir, I am extremely sorry that the committee could swallow that one. That local native council member has only got to go to his other local native council members, 40 per cent of whom are chiefs who do the actual tax collection and have a great deal to do with the preparation of the count, in order to get the matter right. Why you should have a separate and independent count run by the local native council I cannot understand at all. In point of fact the African witness must have been showing off. There could be no point in the local native council members conducting a census, because they

are the people who would be doing the count and they are the people who are responsible for tax collection.

Then we come to paragraph 1943, and here I feel there is a great deal of force in this argument. It reads as follows: "Owing to the alleged lack of co-operation from the Administration in recent years, certain employers have declined to act as voluntary tax gatherers, and they indicate that, to their certain knowledge, tax has not been collected from their employees by the Administration." I am personally not satisfied, and have not been satisfied for some time, that tax collection in the settled areas is anything like the standard it should be, and we propose to tighten it up. We are equally not satisfied that the collection of tax in Nairobi is all that it should be, and we propose to tighten it up there also. On that particular allegation I should like to say that we could equally well reply that many employers who used to co-operate and pay the tax of their labour, and used to help us enormously, now refuse to do so on the ground that if they do collect taxes from their employees they may be short of labour because the employers who do not co-operate get the labour, and they do not.

I now come to paragraph 144. Here again, as you see, I gave evidence and produced the figures quoted. I stated that: "It will be observed that of recent years the numbers have dropped very considerably, one explanation being increased prosperity in the native areas due to the war, and secondly to the fact that of recent years more and more cases have been taken by the Native Tribunals." The committee goes on to comment: "The committee, however, does not see any reflection of increased prosperity in the figures of actual tax collected." I do not quite understand what the committee means; whether the committee doubts my statement that there has been increased prosperity in the native reserves or doubts my claim that figures are no use in trying to find out whether court action was dropped or not. As I have said, we have no knowledge of what is happening in the Native Tribunals because it is quite impossible, without an inordinate amount of labour, to extract the figures. What I do know is that during the investigation into native

(Mr. Harris) taxation the Taxation Committee pressed very strongly that native poll tax cases should be taken by the native tribunals. That was in 1936. Ever since that date, practically all the native poll tax cases in native areas have been taken over by the native tribunals, as the figures quite clearly show.

I also supplied, in order to give some indication of what was happening, details of committals to prisons and detention camps under the Hut and Poll Tax Ordinances for the years 1936-1946, and again I submit that the reason for the enormous drop in the numbers going into detention is due to the increase in prosperity, and prosperity alone; there is no indication in these figures that there has been a drop in the number of penal sentences. I think a very brief illustration will show what I mean. If you had five happy tax-dodgers in 1936, when money was a bit short, who had not got any means of raising the wherewithal and who found themselves in the hands of the chief or other authority, they went to jail. If you have the same five equally happy tax-dodgers in 1946, when there is prosperity about and money is easily obtainable, they will of course, if they are caught, pay their tax and thus avoid going to jail. A drop in convictions can only be a barometer of increased prosperity, not of the use or otherwise of penal sanctions.

Having attacked practically every paragraph on tax evasion, I now proceed to say that paragraph 145 contains some of the most helpful suggestions we could possibly have with regard to the question of stopping tax evasion. Firstly, that "an effective system of entry in the tax registers, with sample checks by European officers and any necessary disciplinary action against inefficient" comment." I would go much further than that. What I propose to do is to ask each Provincial Commissioner to instruct District Commissioners to do a sample check over fairly frequent intervals, to check up as regards what is going on and to see that people are in fact paying their taxes. There must obviously be surprise visits, and surprise visits by Europeans. If we do that it will satisfy me anyhow that the allegations contained in paragraph 142 are true or are fairly wide of the point.

With regard to section (ii) of paragraph 145, I could not agree more. If we could have more revenue officers doing nothing but revenue work, we would undoubtedly tighten up the collection of tax, particularly, as I say, in the settled areas and in the towns. I must point out that I do not quite see the significance of the remark that there are 119 district officers, whereas the establishment only provides for seven district revenue officers. Of course, the 119 district officers are equally responsible for the collection of tax under our system, and it is only where there is a large amount of tax to be collected that special revenue officers have been posted. What we should do is to get a few more and put them into the areas where we have reason to suspect evasion is taking place.

With regard to the third proposal, I agree that we should have a strengthening of African collecting staff. I should like to see the appointment of better paid, more highly qualified and more efficient servants, but I would make it quite clear that "better paid" and "more efficient" are two entirely separate things. (Laughter.) We may get better paid men, but we have also got to have more efficient men. (Hear, hear.) While I agree that we should pay our servants properly, our experience in the Administration has not always been very happy when it comes to a question of paying really high wages for honest service where the collection of tax or the handling of money is concerned.

With regard to the fourth proposal, we come to the "determined use of legal sanctions." As I say, we have no intention of not continuing legal sanctions in exactly the same way as in the past. I am perfectly satisfied in my own mind that the sentences, when there is evasion of tax, are adequate. They have been the same for many years, and any administrative officer will tell you that if a man is run for non-payment he will always pay rather than go to jail.

As regards the fifth proposal—staggering of dates of liability—that has been done for many years already, but I must also call the attention of this Council to the fact that the Administration for many years has been under pressure very often from the farming communities to collect taxes at certain times of the year, in order to regulate the

[Mr. Harris] labour supply. In view of these allegations of evasion, I for one shall turn a very deaf ear to such pleas, because I consider, after what has been said in this Council, that the most important thing is to stop tax evasion, and in consequence the Administration, so far as I am concerned, will collect tax when it suits them and suits the efficient collection of tax, and for no other reason whatever.

Now we come to paragraph 146—the *kodi* card system. I am extremely sorry that the committee has not got the courage of its own opinion. It goes for evasion and then suggests that this is an effective way of tax collection, but says: "The Committee realizes that it might be difficult to make it obligatory for all employers in the Colony to be responsible for the recovery of tax by instalments from their African employees, but recommends that active steps be taken to secure the co-operation of employers in making greater use of the 'pay as you earn' system in the collection of poll tax". A plea for co-operation has been going on since 1936, but there has been a steady diminution in this method of payment. The reason is that encouragement is not enough, for the simple reason that if one good employer co-operates he immediately alleges, with a good deal of force, that his neighbours are not doing it, and therefore he loses his labour, and he says he cannot continue with this system, and for that reason the whole system falls to the ground if it remains on a voluntary basis.

If we go back to the Walsh-Montgomery report we will find that they actually make these recommendations: "We recommend, in view of the fact that there are approximately 150,000 natives in permanent employment, that legislation should be introduced making it mandatory on employers to provide, and on employers to purchase, two one-shilling stamps in respect of each month of the first six months of the year, in lieu of the cash equivalent of the monthly salary". Something along those lines I believe is necessary, and if we are to make this system effective it will have to be mandatory.

I will now deal with the point of the hon. Member Mr. Mathu who does not like to see private people collecting the

tax. I cannot agree. For many years in England the national health insurance, which is a form of tax, was collected by the employer by this means: We have the P.A.Y.E. system of income tax in England, and I see no reason why it should not be introduced here. In point of fact, a little reflection will show that this form of spreading the payment is greatly to the interests of the African himself, for it prevents him being caught short in the middle of the year and serving a prison sentence because he has not got Sh. 14.

Well, I have tried to show causes of tax evasion, and I have tried to explain that evasion is nothing like as serious as suggested by the committee and that we are tackling it as vigorously as we possibly can. I have in front of me a very strong directive to Provincial Commissioners issued as the result of the Standing Finance Committee report, and also the recommendations of the Provincial Commissioners with regard to tightening up tax collection, and certainly one of them is well worthy of consideration, and I hope legislation will be introduced to enforce it. It reads that we should have an "automatic penalty in respect of payment of tax after 30th September in any year, and that this penalty shall be additional to the existing powers for recovery of tax after 31st January". I believe that might go a long way to assist us in getting the person who waits until he is tackled for his tax.

That, I think, is all I have got to say with regard to tax evasion, but I would repeat that the Administration resents, and resents very strongly, any allegation that we are worried in the least by any suggestion that we do not collect our taxes properly and therefore we are tempted to falsify our estimates in order to hide the fact that we are inefficient!

MR. COOKE: Mr. President, whether I agree or disagree with the hon. mover—and, if he will permit me to say so, I agree with most of what he said—I am full of admiration for the domination mentally—and shall I say morally?—he has gained over the other side of Council. While he was speaking yesterday and giving them the whipping which he gave them, I could not help observing the downcast eyes and depressed looks of my hon. friends on the other side. (Laughter.) Being an old official myself,

[Mr. Cooke] I had great sympathy with them! They somehow or other irresistibly reminded me of that saying of Disraeli, when he looked at the Opposition in the old days. He said "I see a row of exhausted volcanoes, not a flame flickering from a single pallid crest". I hasten to say, that as far as one volcano is concerned, the last speaker, it is not a bit exhausted! There is probably a good deal of reason for that, because last year my hon. friend the mover instructed Government to withdraw their motion on the Woods report and of course they withdrew it. This year, the hon. member has gained another signal victory, because he has instructed the hon. Financial Secretary to support his motion, and my hon. friend in due course supported it. (Laughter.) I congratulate him, sir, on the great victory he has gained! (Laughter.)

I am the only consistent member as usual on this side of Council (laughter), and my consistency lies in this, that I supported the motion on the Woods report, and I support the motion on this report. (Laughter.) It is a very harmless report, really. It is what I call rather laudip, and does not really contain a great deal that is new but, as the hon. Financial Secretary said, it very valuable in this respect, that the statistics will be extremely useful for future reference, and I am glad to hear him say that they will be kept up to date. But it does not seem to me to have got us very much further, though it has certainly put on record a great deal masses of people have been saying in this country. The best description I have heard so far came from a very witty ex-member of this Council, who described it as "glimpses of the obvious", and indeed it is.

The hon. mover congratulated the committee for having departed from and exceeded its terms of reference. I cannot find that they really paid much attention whatsoever to their terms of reference. (Laughter.) For instance, if I may describe it as the opening term of reference: "Bearing in mind the financial commitments of the Government and the obligations consequent upon general acceptance of the Development Committee's report"—I cannot find in any part of the report any indication that they did bear in mind the obligations

under the Development Committee's report and I would remind hon. gentlemen on this side of Council that they have accepted in principle the report of the Development Committee.

Sir, if I may paraphrase the prophet, "on the making of reports there is no end and much deliberation is a weariness to the flesh", I regret to say—and perhaps I ought not to say it, but it is my duty to say so—that the Swahili of this country have a good way of expressing what the general view is about Government today, and that is "muneno tu". I regret to say that it appears to me that at the head of this army of words is no less a person than His Excellency, who gave utterance to three recent expressions: "An ignorant peasant and his wife with a hoe"; "social services are the consequence, and not the cause of increased cultivation", and finally, "all must work". Now, sir, if His Excellency looks from the windows of Government House, he will see, or very nearly so, hundreds of Africans unemployed in the streets of Nairobi—picking and stealing every day, and not only picking and stealing from Europeans and Indians but they are stealing from their own decent, hardworking industrious brothers in this country, and nothing is being done about it. I feel that if any progress is going to be made in this country the first and prime need is more work (Hear, hear.) but it must be more work by the African as well as the European.

For that reason I criticize paragraph 48, where the members of the committee give their reasons, or axioms, for the future fiscal policy, and I am afraid they give a lot of very obvious axioms. But I cannot find any axiom that work is necessary. Just as the British people at home cannot be saved by any amount of American loans, and it is only by getting down to a job of work and producing more, it is exactly the same with the African, that unless he works harder he will not get the social services, the educational advantages, that he is rightly demanding.

Just a few points in detail on this report.

I am afraid that many, at any rate one or two, members on this side have not quite realized the implications inherent

[Mr. Cooke] in this report. The report says that in times of boom as at present we should budget for a surplus. That is very true, and I think everybody will agree, and yet a few paragraphs later on they advise a reduction in taxation. I am not in favour of a general reduction in taxation in this country. That is the sum total of taxation, but I do think there must be a redistribution of the burden. That is the reason, carrying out the pledge I gave last year and which is inherent in my note, that I entirely support the proposal for rebates on income tax.

In support of the hon. Chief Native Commissioner, I agree with him that it is wrong to reduce taxation at this time, but he will agree with me that a great many people in this country are on a margin of subsistence, especially the junior officials of Government, who find it an increasing burden to pay income tax. For that reason I am supporting these rebates, and I think my hon. friend the Member for Nairobi South has done a great service in putting this scheme up as he did last year. But, whereas I did not accept it then, I now accept wholeheartedly his recommendations.

Regarding the wages of agricultural labourers. It appears from the report that the agricultural labourer today is only getting about two-thirds of the real wages he received ten years ago. If that is true, it seems to me it demands an increase of wages on the farms. In the Kenya Weekly News last week there was published a very remarkable account of a farmer in South Africa, a Dutch farmer, who has had the most amazing results by taking his African labourers into his confidence and having a sort of bonus system. I think that one of two progressive farmers in this country are doing the same thing. I know my hon. friend has said that if you increase the African's wages he does not do any more work, but I think that experiment is worthy of consideration.

With regard to a wealth tax, I agree entirely with the last speaker, that however desirable it is it is not practicable at the present moment. In the Woods report it was pointed out that unless it was acceptable to African public opinion it would be wrong to try and force this tax.

I would like to support thoroughly the suggestion of a road fund. I happen to be

on the committee investigating this matter, and I do not think I am betraying any confidence when I say that most of us on the committee are in favour of it.

I am naturally somewhat intrigued to see in paragraph 43 a statement which certainly confounds the prophets, because when income tax was introduced into this country we were informed by our most prominent "economists" that it would prevent the influx of capital into Kenya. Now we have heard straight from the horse's mouth that since the termination of hostilities the incidence of private enterprise is known to be high and that capital is flowing in; these facts seem to me to sustain the argument in favour of income tax. I am afraid that I cannot agree with the hon. Member Mr. Mathu in his dislike of the pay-as-you-earn system. I am in full agreement with the hon. Chief Native Commissioner. Actually, when I was in the Administration in Tanganyika, I introduced this system, and it certainly worked very well there, and I think farmers should be only too ready to co-operate with Government in the collection of this tax. My hon. friend yesterday talked about a certain indictment of Government, but could there be a greater indictment of those particular farmers who, knowing evasion is going on on their farms, do not report those Africans to Government? I do not know what the hon. Attorney General thinks about it, but it seems to me something like abetment, and no matter how strong their feelings are they should be good enough citizens to see that their labour pays their taxes.

I should like to support what my hon. friend said about the N.A.A.F.I. yesterday, but I have some fear that a lot of N.A.A.F.I. goods will continue to go into the black market. It was nothing short of a scandal during the war the amount of goods that could be found in practically every house in Kenya from the N.A.A.F.I.—cigarettes, whisky, and so on—and it was wretchedly wrong that this should have been allowed.

If I have said anything which may reflect on the members of the committee, I would say of those two gentlemen who came from South Africa, distinguished and able gentlemen if we have gained

[Mr. Cooke] nothing else we have gained a lot of value from the friendships they established here, and I agree with what has been said about the great debt we owe them for having put aside their very important work in South Africa and producing this report.

With those words I support the motion.

Mr. Nicol (Mombasa): Mr. President, I had not intended to intervene in this debate, but I do so because the hon. Financial Secretary yesterday appeared to make an omission in his speech. That was on the question of income tax and income tax relief. But I am not going to join in a wrangle with the hon. Chief Native Commissioner on the question of income tax, except to say that I thoroughly disagree with everything he said about it!

The hon. Financial Secretary will recall that at the time of the last budget debate we were given to understand that if the fiscal commission then to be appointed—which has now developed into the Plewman Committee—if they recommend a reduction in income tax or on the lines which were suggested by the hon. Member for Nairobi South, the hon. Member for Usisi Gishu and myself in the Standing Finance Committee report, if they recommended the adoption of that and reported by the 30th September, it would be quite easy to apply that to the income tax payable this year. The committee just managed to get to the post by the 29th September. So I would ask one of the Government spokesmen to tell us from what date this remission or reduction in the tax is going to be effective?

If the argument is put forward that the general rates of tax to be applied have not yet been agreed with the adjoining territories, I would then say that in so far as the tax on the 1946 incomes is concerned there is nothing to prevent this territory applying the recommendations which were put forward by three of us in the Standing Finance Committee and which are set out in paragraph 129 of this report.

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (Mr. Mortimer): Mr. President, I should like first of all to

join in the pean of congratulations to the distinguished chairman of this committee and to the committee for the work that has been put in. One might misquote Gray's Elegy: "The Plewman homeward plods his weary way" (Laughter), but he leaves behind him a worthy monument to his great ability and to his conscientious and hard work while he was with us in this Colony. (Hear, hear.)

There are but few comments that I wish to make on matters in the report that fall within my sphere, and these are mainly contained in Chapter III.

Referring first of all to the committee's remarks on the allocation of functions between local authorities and the Central Government, I have no quarrel at all with the principles laid down in paragraph 55. The problem is a difficult one, and in the United Kingdom it has been a prolific source of controversy and argument for a long period of years. What we want is a stable, practicable, and logical system, and I think that so far as our relationships with municipalities are concerned our present system falls in line with the principles laid down by the committee. In all our discussions we need to have these principles very closely in view. But I would emphasize that we should not be bound by any rigid adherence to theory—and principle. The relationships between the Central Government and local authorities are not only in the United Kingdom but also here a matter of historical development, and we have got to keep that closely in view. We have to relate the division of functions to that historical development, to the convenience of Government and to the local authorities themselves, and to the wishes of a local authority in regard to any particular service. In England in this matter there has been a continuous switch backwards and forwards with regard to particular services between the Central Government and local authorities, and after many debates of local government experience no finality has yet been reached.

I turn now to the further comments on the grants by the Central Government to local authorities. While I am in general agreement with the objectives which the committee has in view, I must confess

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to being somewhat belogged by their precise recommendations. They seem to me to be far from clear. In paragraph 68 the committee recommends a further development of block grants, but they do not make it clear what they mean by block grants. There are two possible interpretations of a block grant. One is the system now prevailing in Great Britain whereby the Central Government determines how much money it can afford to devote to the subsidization of local authorities. That sum is then divided up between local authorities on a very complicated formula. It takes into account necessities and local conditions and standards. The other system is a very simple one, whereby percentage grants for any particular service are consolidated and take the form of a lump sum payment.

If the committee had in view the adoption in this Colony of the weighted population formula that is applied in England, a formula that is at once complex and cumbersome and is very oppressive to many local authorities, I should object to it very strenuously. There is no necessity here for any such system. In England, with its wide variation of standards between one town and another, its wide variation in the need for social services, and of the wealth and ability of its residents to pay for those services, there is a need for some system of this kind. Where you have such towns on the one hand as Mombasa and on the other as Mererby Tsvili, you will see there is a necessity for a very flexible application of any system of grants to local authorities. But here we have no such wide variations between one town and another. We have no great differences in standards of wealth or ability to pay, and therefore I see no necessity for the introduction of any complex system.

The block grant method that has been applied to Nairobi municipality is one of the simpler types, whereby the percentage grant which is laid down annually has been consolidated into a lump sum payment. That is simple, and I should see no objection whatever to a continuance of that system, taking into account not merely the expenditure of local authorities on any particular service but taking

other factors into consideration, not merely their actual expenditure but what ought to be expended on individual services, in order to encourage local authorities to take up more firmly their responsibilities as local government bodies. The committee recommends a review of block grants every three years. I do not imagine that either the Government or local authorities will look forward with any particular pleasure to the three-yearly wrangles about what the amounts should be which will periodically occur!

I would take this opportunity of referring to two misunderstandings that appear in paragraph 66 of the report, wherein the committee states that the Nairobi grants are not statutory. That is only partially true. The Nairobi grants are based on the statutory provisions that, as I have already said, for the convenience of Government and the local authority, those percentage grants laid down by law have been consolidated into block grant payments.

The other point is with reference to the committee's remarks about the public health service being dependent upon diminishing grants. That is an entire misunderstanding of the significance of the diminishing grants laid down by law. Those diminishing grants diminished to vanishing point many years ago and have not been revived. They were instituted merely to help infant local authorities soon after their conception to inaugurate their public health services. Public health grants for all local authorities since then have been based on a pound for pound contribution by the Government and the local authority.

Nairobi has a block grant of £21,000 for public health services, and there is an indication in the report, of which I have had due notice in another capacity, that the Nairobi Municipal Council is not satisfied with the arrangement made in 1945, at its own request, for a £21,000 block grant. The agreement was to last for five years. The Nairobi Council quickly discovered that it had some reason to be dissatisfied with the bargain it had itself made. Now I am quite willing to support the application of the Nairobi Municipal Council for an increase in its public health grant, in so

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far as that increase is intended to cover the extra services which have been required by the Government itself and which are Government aims and responsibilities.

I am pleased to note that in paragraph 67 the committee expresses its very strong support of the unimproved site value system of municipal rating. That is the opinion I have formed after a close study of all the various systems in force throughout the world; it is the best system for a young and developing country.

In paragraph 59 the committee recommends that in all municipalities there should be a three year revision of the unimproved site valuation roll, and that the revision should take place during the same year in all municipalities. I support that recommendation, but I would add that its application will depend upon the availability of an adequate number of approved and qualified valuers.

In paragraph 65 the committee draws attention to a certain anomaly that has occurred in relation to the rating system of Mombasa. Many years ago the Mombasa Municipal Board adopted a system of rating of improvements for a special purpose, and the Government arranged with the Municipal Board that its contribution in lieu of that rate should not rest upon the precise formula laid down by the law, which was a somewhat complicated one, but should be on a simple system. That arrangement was embodied in the law at the time, and has gone on from year to year without challenge and without contradiction. We had already made provision in that legislation which is being prepared for amending the law, to cover the arrangement made with the Mombasa Board.

In paragraph 64 the committee makes certain recommendations with regard to the utilization of profits from various municipal services. The recommendation of the committee is an entire agreement with the system at present in force.

In relation to district councils, the committee has something to say in paragraph 71, and I personally should

have welcomed an expression of opinion on the part of the committee on the subject of district council rating, but they rather skillfully steered clear of that somewhat thorny subject. My own view is, and I have expressed it repeatedly, that our district councils will make no progress onwards becoming true local government authorities until they do take their charge in both hands and decide to state their commitments, in order that they may have funds at their disposal for the development of local government services which do not come directly from the Central Government, but are provided from their constituents themselves.

Briefly now I will turn to the references to local native councils contained in paragraph 71 to 81. We are on the eve of making a considerable advance in African local government, in that legislation is now in preparation and will shortly be laid before this Council for the establishment of African district councils which will take over many of the functions of the existing local native councils. These African district councils will have wider powers and greater responsibilities. I will not anticipate the discussion that will take place when that measure is introduced into this Council.

There has been discussion recently, and for a period of years, on the right division between the functions of the Central Government and of the African local authorities. The committee rather suggests in its comments that this is a matter in which the Government has been complacently sitting back, but I would contradict that very earnestly. Much careful and diligent thought has been given by the Chief Native Commissioner, the Financial Secretary, myself and the Provincial Commissioners to this subject during recent years, and we have evolved what we think to be a sound division of the functions of the respective authorities, and these are referred to in paragraph 78 of the report. I believe that the division of functions there laid down conforms reasonably well to the principles which the committee itself advances in paragraphs 55 and 80.

Reference is made in paragraph 75 to the deficit budgeting of local native councils, and it is made to appear that that is a very reprehensible practice. It is not, in fact, nearly so serious as the

[Mr. Mortimer] the committee appears to think. The deficit budgeting is, in many cases, due to the fact that capital expenditure provided for in one year's budget has not actually been incurred because of shortage of material or staff, and has therefore been carried forward to the next year, where the net result appears to be deficit budgeting. But that is not the fact if the situation is properly viewed. Under the new system of African district councils there will be new financial provisions, and much closer, and possibly better, budgeting will result.

I want to refer briefly to paragraph 81 referring to local rating of wealth. I thoroughly agree with the principle which the committee has in view; that is, that all members of the community, whatever their colour or race, should contribute on a fair and equitable basis towards the cost of providing the services which all enjoy. I have great doubts, however, which have been adequately expressed in other quarters, of the practicability at present of the particular scheme which is recommended.

There are three points I would emphasize, however. The first is, that in the application of any system of taxation on the wealth of Africans in this Colony, it is first of all absolutely essential that the system should be a local one; that is that the local authority should be the responsible body for assessing and collecting the tax, and that is inherent in paragraph 84. The second point I would make is that the collection of direct taxation from the African should be accomplished in one transaction. We cannot have duplicate sets of tax collectors turned loose on the community, and I think the Africans themselves would deplore that; they would much prefer that all their responsibilities for direct taxation should be collected in one transaction, even if separate receipts are given. The third point is a most important one; that is, that the local authority should itself have the right to determine the amount of tax to be collected in its own area for local purposes. That is an essential principle of local government responsibilities, and without it we may as well abandon all attempts to obtain advancement in real local government.

I now make brief reference to the proposals for special rating of Africans in urban areas. Here again, I am in perfect agreement with the object which the committee has in view, and that is to secure for the Africans who are more or less permanently residing in urban areas a more adequate contribution towards the costs which are ever increasing of the social services which all Africans in the urban areas enjoy. Discussion has been taking place for some months between the Nairobi Municipal Council and the Government on the carrying out of some adequate and fair system of taxation of the Africans in Nairobi. It seems to me that there will be a great deal of discussion before the system recommended by the committee, or any other system, is adopted, and it is certainly quite improbable that it can be adopted in time for application during 1948.

Therefore my suggestion is—and I am giving my own personal opinion at the moment—that we should carry on the discussions with the Nairobi Municipal Council, possibly with the assistance of representatives of the Standing Finance Committee, and that we should devise some interim system to be put into application as soon as practicable in Nairobi and Mombasa municipalities, and from that we should gain valuable information and experience, and we should also gain a very useful accretion of municipal revenue, which is very much needed to help to pay for those services which are not covered by the proceeds of the beer fund. There will be a very knotty question as to who are to be regarded as permanent residents and therefore liable for this extra tax in Nairobi, but it is not beyond the wit of the people who will be concerned in this matter to find some way over that difficulty.

Paragraph 88. There is another reference to district councils the particular point of which is that the committee recognizes that Africans living in settled areas should not be required to pay anything at all beyond the ordinary poll tax. What the committee says is: "We therefore recommend that until such time as district councils are in a position to provide services for Africans comparable with those provided by local native councils and municipalities, no system of

[Mr. Mortimer] local rating" should be applied. I think the committee was unduly complacent in regard to district councils and their responsibilities for Africans dwelling in their areas, and I would have welcomed more support from the committee for the endeavours I have been trying to make for several years to induce district councils to accept more responsibility for the Africans dwelling in their areas and social services for those Africans. But all that was closely linked up with district council rating that they have hitherto fought shy of the responsibility. I trust that now this report is before us district councils will no longer hold back, but will accept the responsibilities which properly belong to local government authorities.

One last remark on the subject of roads. The hon. Director of Public Works and I were both interested, and somewhat surprised, to read in paragraph 117 the remark that "despite the large increase in road traffic over the last ten years and the restricted financial resources of district councils, evidence suggests that district council roads have been maintained in a better condition than those of the Public Works Department, having regard to the relative expenditure in respect of the mileage maintained". I have looked carefully through the names of the committee itself and the names of those who made their evidence before the committee, and I cannot see a single one there who is really competent to express those opinions with any confidence. I certainly should hesitate to accept that statement as a matter of fact unless one had very much more evidence. It is a fact, and I am sure that we are in agreement on both sides of Council, that neither the Public Works Department nor district councils have nearly enough money to spend on roads to provide an adequate road system for our Colony. That is why I welcome in paragraph 116 the support of the committee for the proposal to establish a road fund to be administered by a road authority, which would have real control and would be able to ensure that the money available for roads was properly spent on the roads.

Subject to those comments, I beg to support the motion.

MR. VASEY (Nairobi South): Mr. President, in rising to support the motion I would like to join in the praise that has been accorded to the members of the committee that has now submitted the report which is, I suppose, in future to be known as the "Plewinton Report". I should like also to associate myself entirely with the remarks made by the hon. member, the Member for Nairobi South, in his introduction to this motion, and to say that one thing I found particularly praiseworthy was his almost complete abstention from the words "we told you so!" Because if you go through the budget speeches of last year you will find that the hon. members on this side said time and again almost exactly what has been said in most cases by the committee which has now made its report. It is, I think, an almost complete justification of the demands that we made last year and the warnings we tried to give. There is, however, little to be gained from saying "we told you so", and all we can ask now is that these recommendations which have been based on evidence and which are consistent with the demands that we made last year should be carried into effect at the earliest possible moment.

There is one slight reservation, that is on the question of the wealth tax in local government areas. I would like on that to stress that I mean a wealth tax on municipal and urban areas outside the local native council areas. It is on this point that I feel the committee has failed to apprehend altogether the system of local government rating. It states, for instance, that local government rating is based on ability to pay. Now, local government rating has three systems. It has the occupation or annual rental system which is prevalent in Britain; it has the improvements rating which is rating on the buildings and land and all developments thereon; and it has the third principle, the principle of site values tax, which is recommended by this committee as a sound principle for this Colony, the principle which the hon. Member for Health and Local Government has supported and which I also support.

Only the first of these systems has any relation at all to the ability to pay. It may be said that occupation or rent of

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building does show a certain income, because if you can afford to rent an office at a certain price and you can afford to rent a house at a certain price you have a certain income with which to meet any rate imposed on that building. That is correct in a rough and ready fashion, and Sir Gwilym Gibbon in his publication on local rating states that "only to that rough extent does even the annual rental system have any relation to the ability to pay. Improvements and site value have no relation to ability to pay at all. The site value rate is based on the occupation, or ownership. I should say, of an area of land, and on the services which are given by the local authority to that area of land. It is on the size of the area that the valuation is made having regard to the facilities that exist in that particular area, but it is in no sense a reference to ability to pay."

I would only point out that someone may own a piece of land and building worth £1,000. Their income may be nothing except that derived from that particular piece of land. But that land may become so valuable that it is rated on a very high standard. We have cases in Mombasa, for instance, where poor Arab women occupy pieces of land which were granted them many years ago or have been bought by them very cheaply. They are to-day worth perhaps £2,000-£3,000 an acre, and their quarter of an acre is worth £500. But that is not the measure of their ability to pay because their income is nil. Having regard to that, and having regard to the fact that no local government authority to my knowledge anywhere in the world, and certainly not, I think, in the British Commonwealth and Empire, has ever accepted, shall I say, the local income tax theory as a measure of revenue production, I could not agree at all, and I think my colleagues are with me on this, to any statement that local government rating in urban areas should be based upon a wealth tax or the ability to pay. I quoted from Sir Gwilym Gibbon before, but I should like at this particular point to read just one sentence from his publication "The Expenditure and Revenue of Local Authorities", where he said "No system of local income tax has been devised which is both productive and equitable. The earmarking of a

supplement of the national income tax is but a form of central aid and a building not commendable". Now, the danger is that it will be forgotten that this is a supplement to the national income tax and that it will be developed as a completely separate unit, and I am not prepared to accept for the African areas in urban townships this system on the pretext of expediency. It contains a principle that tomorrow may be used as the system of revenue production from the European and Asian urban dwellers as well. At no point, I am perfectly sure, could any member on this side of Council agree to anything in the nature of a supplementary income tax.

Having said that one does not agree with the principle, one recognizes the difficulty that the committee were in on the question of local native council areas where, I presume, there is as yet no established ownership of land and ownership of property to anything like the same degree that there is in the ordinary local government, municipal and district council areas, and that it might be impossible at present for a local native council to rate on the occupation of an area of land and on the services rendered to that area of land. I think one might therefore say that, as far as the local native council areas are concerned, until such time as they progress to the state where the ordinary principles of local government rating can apply, we could accept that proposal, but only until such time, because as soon as possible they, in their turn, must move to the sound principles of local government rating, on which the beneficial advantages of local government authority apply.

That is, I think, the main point that I have to make on the question of this local government position. We could not accept it as a principle, whether for Africans or Europeans or Asians in local government areas, particularly urban areas. We are, however, prepared, as a matter of expediency, until such time as development to the local government rating stage is reached, to accept it for local native councils, but purely as a matter of expediency.

Now there will come up the point as to how local government authorities in municipal areas are to receive their

[Mr. Vasey] contribution from the Central Government as recognition of the work those people do, and some of those people pay for African social services. There I suggest that something in the nature of a *plain per capita* contribution from a Government rate, embodied in whatever form of taxation is finally applied, should be considered. The hon. Financial Secretary shakes his head. I have been so used to him shaking his head for the past few years, and so used to him coming back a few years later and nodding it in agreement (Laughter.) Now I have suggested this should be done because it would be possible, I think, to combine in a Government tax a flat rate for Africans in all townships, which could be designated or assigned to the local government authorities for use for African services.

Turning from the question of a wealth tax to the question of loans, which one can see in paragraph 69, page 22, or alternatively, page 54, the summary at paragraph 8, here is a point of very great importance to local government authorities: "Although it is a generally accepted practice in fixing loan-currencies to date the period as closely as possible to the life of the asset, yet in a still relatively undeveloped country in which increasing loan indebtedness may be expected the dictates of a prudent policy would be to fix a shorter period whenever possible". I am not quite sure, that is accurate. In a relatively undeveloped country such as ours the annual income is also relatively undeveloped. If from that income we have to do as Government has foolishly done in the past, load capital assets and charge it to the annual revenue, we find that there takes place a contraction in the amount of work that can be achieved.

Let us give one example. Let us take a housing scheme. A housing scheme may have an asset life of some fifty to sixty years. If we are compelled, as we have been compelled, for instance, on the Nairobi Municipal Council of which I am a member, to borrow for a thirty year period, to repay that complete loan in that thirty years period, we place a fairly heavy burden upon the ratepayer of to-day, in order that thirty years from now the ratepayer of Nairobi shall be

handed an asset free of charge, free of liability. I do suggest that if there is anything in the progress of a relatively undeveloped country, that Council will be far more competent in forty years from now to bear a reasonable share of the cost of that asset than the ratepayer of to-day is competent to bear double the burden he should do. (Applause.) Why, Sir, in Great Britain housing loans run from sixty to eighty years. They can wipe out an asset in sixty years, with the result that they are able to carry out a far greater policy of progress and expenditure than would be the case if the annual budget had to bear completely the wiping out of that asset in thirty years.

I think this is an opportune time to draw attention to the fact that the ratepayers and the local government authorities in this Colony are being called upon to bear this unfair burden. We are to-day facing, as is referred to in one paragraph of this report, a very heavy annual deficit on our native housing schemes. We admit that we were given 50 per cent of the cost of some of those schemes from His Majesty's Government, for which we are grateful, but we are compelled to wipe out that 50 per cent balance in twenty years. The result is that the ratepayer of to-day and the taxpayer—because Government is bearing half the loans—are paying a far heavier burden than they need do, in order that the taxpayer and ratepayer twenty years from to-day shall enjoy an asset without any liability. That is a factual position, and it has another—a psychological effect. It greatly restricts the amount of development which it is possible to do, because obviously the ratepayer resents, beyond a certain margin, carrying the burden for posterity. In Nairobi that margin is being rapidly reached, and it will mean that before long we shall be unable to expand our native housing programme as we wish. That is why I am very disturbed that there should be a sentence of that kind, and in the interests of local government bodies such as that in which I have the honour to serve, I feel that it is impossible to agree to the sentence contained in that paragraph.

The hon. Financial Secretary in his speech spoke about the war savings campaign and the war bonds. I had the

[Mr. Vasey]

pleasure of being connected with that war savings campaign. He now proposes, or is discussing, the question of issuing peace bonds as a method of preventing inflation and using up some of the surplus money. I have only a few minutes to go this morning, and I shall try and develop this argument fully to-morrow morning, but I suggest that he gives very serious consideration to the entire loan position of this Colony before he starts to offer capital outside.

We local government authorities, such as Nairobi and Mombasa—and here for a moment I will deal with Nairobi alone—have a programme ahead of badly needed development for such things as water, sewers, drains and roads, of some £3,000,000. In the Development Committee Report the most that we look like getting is £1,150,000—perhaps one and a quarter million. We cannot get money in the open market because the Government holds a lien on our assets which prevents us from being able to pledge our revenue and our assets completely for the redemption of such loans. But if that lien were removed, if there were a pledgeable asset, we could go into the open market in this country and we could, I am perfectly sure, on reasonable terms raise all the money we need. This is where we want it—for the development of this Colony—because what we can lend to Great Britain would be very little towards Great Britain's great needs. But if we can develop this Colony on the production side, if we can make this valuable trading asset available to the British Empire, then we shall indeed be doing a service to His Majesty's Government in Great Britain. (Hear, hear.)

The debate was adjourned.

ADJOURNMENT

Council rose at 1 p.m. and adjourned until Thursday, 23rd October, 1947, at 10 a.m.

Thursday, 23rd October, 1947
Council assembled in the Memorial Hall, Nairobi, on Thursday, 23rd October, 1947.

The President (Hon. W. K. Home) took the chair at 10 a.m.

MINUTES

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

PAPERS LAID

The following paper was laid on the table:—

By THE CHIEF SECRETARY (Mr. Rankine):
Development and Reconstruction Authority quarterly report, July–September, 1947.

ORAL ANSWERS TO QUESTIONS

No. 60—FOREST FIREBREAKS

MR. COOKE:

Is the Conservator of Forests satisfied with the present dimensions and payout of firebreaks? and has he sufficient mobile/fighters and machines to deal with outbreaks with reasonable speed and efficiency?

MAJOR CAVENDISH-BENTINCK: The Conservator of Forests is satisfied that the position both as to mileage and dimensions of fire breaks is as satisfactory as could be achieved with the staff at his disposal. There are 564 miles of interior and 534 miles of exterior fire lines in the forest estate. These fire lines vary in width according to situation, but it will be appreciated that no firebreak will necessarily stop a fire.

One hundred and twenty-seven outbreaks of fire were dealt with successfully in 1946 and the total damage during that year apart from the burning of grass and 300 acres of moorland amounted to 64 acres of timber burnt through.

The roads system has been greatly increased and expansion will continue. Transport and portable Wajax pumps and water containers are available and are stored at strategic points.

TAXATION INQUIRY COMMITTEE, KENYA, 1947

IMPLEMENTATION OF PRINCIPLES

The debate was continued.

MR. VASEY (continuing): Mr. President, when I left off yesterday I was dealing with paragraph 69 of the report, paragraph (8) of the summary on page

[Mr. Vasey]

54 on the question of loan advances to local government authorities. I am extremely sorry to take up so much of the time of Council on this particular matter, but I do so because I feel, as I think the Plewman Committee realized, that in the development of local government, and local government on a sound financial basis, lies probably the next line of constitutional advance for the inhabitants of this country. If local government bodies can be established on sound financial principals, we have there I think the development of a system whereby the inhabitants of this colony, whatever their colour or race, can prove how worthy they are to take the next step in full self-government. For that reason I have dealt at fair length so far with this loan proposal.

Yesterday afternoon, in another place, in the capacity of chairman of the Nairobi Municipal Council Finance Committee, I had to deal with a problem which is a very urgent and difficult problem in this town and of great importance to this colony; that is, the question of the shortage of housing for its inhabitants, and in this case for the European inhabitants. It has become increasingly obvious to me, and I think to most people, both in my capacity as a member of the Rent Control Board as well as in my capacity of alderman of the Council, that there has arisen a very great danger to the European population in this town—the European earner of the lower income group. He is at the present moment, unless he is one of those fortunate people occupying a house under the Rent Restriction Act of 1939 or 1940 level of rent, compelled to pay something between £15 and £20 a month in rent for a house, if he can get a house. To take £15 or £20 as the basic rent portion of a salary is to recognize that the lowest salary on which a man and wife can live in this town is some £30 or £60 a month. For that reason the Nairobi Municipal Council has endeavoured to provide low rent housing which can be rented to what I might call the lower income group of the Europeans, as in the past we have provided housing of this type for Asians and Africans.

If we build houses we are compelled to borrow money on specific loan sanc-

tion—that is to say, we can only borrow money on the asset for which that money is wanted. We cannot spread it over the entire revenue of the Nairobi Council. The result is that the best that we have been able to get is a 30-year period, and the asset must be wiped out and the houses purchased during that 30-year period. The biggest effort that we can make is by putting the living density at something hitherto unthought of for Europeans in this town; that is, housing at a quarter acre per house. The borrowing of money in the open market at 3½ per cent for 30 years means that however we scrape and however we con-
we shall not be able to keep the rents of these houses, in my opinion, down below £13 10/- a month for a three-bedroom house, and £11 10/- or £12 for a two-bedroom house. If we were able to borrow that money for a period of 40 years we could reduce that rent to something like £11, and if we could borrow it for the asset life of some 60 years, it is quite possible that that £13 10/- rent could be reduced to something like 10 guineas. That is a tremendous thing for the lower wage-earner—the European wage-earner of this colony and town. The same argument applies to the lower Asian groups. If we can borrow money for the new Asian housing schemes on these lines, we can provide a quantity of low rent housing which will go a great way to stop inflation in this town.

But while we are compelled to borrow under the present system of borrowing money against a specific object, we cannot do it. If we ask for sanction for a loan, we must ask for sanction for a loan against a specific object, but if the recommendations which may be, I think, interpreted to some extent in paragraph (8) can be fully carried out, if it is recognized that judicious borrowing helps to overcome unnecessary fluctuation in rate assessments, if we can be given the power to borrow or raise money as a whole, so that, instead of being tied to a loan with periods based on specific sanction, we can create sinking funds and carry such things as housing over a period of 50 or 60 years. Then I think we can serve a very good purpose, and what Nairobi will be able to do will be followed by Mombasa and by other Municipal Boards. But it is a very, very

[Mr. Vasey] urgent matter, particularly—and I speak as a European in this case—particularly from the European point of view, for us to have that power at the earliest possible moment, rather than be unable to solve this question of the employability of the lower income-earning European; because, unless we solve this problem—and I say it in all seriousness—the lower income group European in townships like Nairobi is either going to live continually on the margin of debt or will demand such a salary that he will be economically unemployable.

That, sir, covers the question of loans. Now I should like to turn to the summary at paragraph (16), page 57, on tax equalization. I call it tax equalization, although I know that perhaps some of the gentlemen on the other side of Council will not like it called by that name. Ever since I have been in this Legislative Council I have urged that something in the nature of a tax equalization fund should be created. I have been met with cries of astonishment from time to time. I was met with the statement one year that the reserves were inadequate to meet the contingent liabilities, so they could not possibly do it; though we are met this year with the theory that the reserves are quite adequate and we can reduce income tax or can carry a deficit over six years because we have got £3,000,000 theoretically in reserve.

This is a very serious matter in this colony if there is to be trade recession. If there is to be a slump, then it is obvious that this colony cannot afford in its present state of development suddenly to embark again upon a policy of retrenchment. So it is equally obvious, I think, that there must be this policy of budgeting for a surplus in time of prosperity and for a deficit in time of depression. But that surplus must be put on one side to be used for the purpose of tax equalization, to be used to finance current expenditure during time of depression, not to be used, not to be snaffled, not to be raided, on every occasion when you want to do capital works. Capital works, in my opinion, in this colony in its state of development must be carried out on a loan programme. We are doing work to-day for the benefit of posterity, for the benefit of people 30, 40, 50 years ahead. We can

only carry that burden to a certain extent; we can carry our fair share of that burden by our loan programme, but I would oppose any suggestion, as I have in the past, that capital expenditure should be taken from these budget surpluses. These budget surpluses should, in my opinion, be placed into a tax equalization fund; and earmarked, at any rate until they reach an adequate amount, for relief of taxation in times of depression.

The Committee has referred to the timing of expenditure and anti-cyclical expenditure. That we all agree with, but there are two ways of countering a cycle of depression. One is by spending on capital expenditure, and thus pouring employment into the market through Government and local government activities. The other—and I repeat what I quoted from Mr. Dalton last year—is to recognize that a reduction in taxation provides not only an incentive to further effort, but it also releases into the market private enterprise purchasing power which is stimulating and valuable in time of depression, and I suggest that those two things must be kept hand in hand. Obviously the timing of capital expenditure is important. Obviously to-day there is a lot of capital expenditure that would be undertaken but for the shortage of labour and but for the shortage of materials. It may be argued therefore that our present capital expenditure programme is really restricted, not by the availability of money but by the availability of other things, and I believe that is true to a certain extent, but in view of the statement in this report we must keep a very, very careful eye on the timing of capital expenditure, and we must keep a sufficient reserve in, I believe, a tax equalization fund created for that purpose to enable us to stimulate private enterprise during periods of depression and by giving them relief from taxation.

The hon. Financial Secretary in his speech referred to page 52, paragraph (1) of the summary, and he said, reading the first bit of it—because, of course, that was a wise thing to do—he said: "In forming its conclusions the Committee obviously cannot take into consideration any abnormal occurrences such as a sudden turn in the currency wheels of world affairs". He then went on to talk about the dollar emergency. Knowing

[Mr. Vasey] what a pessimist the hon. member is, I was just a little afraid that he was already laying foundations for a case where he would say "We cannot give you quite as much as we thought because, of course, the Plewman Committee did not know about the dollar emergency". Let us go just one step further—"such as a sudden turn in the currency wheels of world affairs or factors dependent on circumstances as yet unrevealed, such as the uncovering of some new source of wealth or the establishment in Kenya of an Empire military base". I would respectfully point out that, while the Plewman Committee did perhaps not know of the dollar emergency, neither, presumably, do they know of the Military Stores Holding Organization which is going to bring such a large quantity of capital into this country. There are two sides, and the only reason I mention that is so that there should be no question of preparation of an argument on the other side of Council. (Hear, hear.) (Applause.)

Paragraph 165, page 49, or summary paragraph (48), page 62, gives the question of tariff adjustment. There is one thing in this report which is obvious right the way through, whether one takes the actual words the committee have used or the graphs and the very valuable information they have prepared, and that is that the revenue of this country needs lifting. Its wealth production, whether by means of agriculture, or whether by means of mining, or whether by means of secondary industry, must be lifted if we are to stand the burden of expenditure and development. There are growing up here a number of small secondary industries, none of them as yet apparently great import. They are industries which in many cases are valuable, as I think His Excellency the Governor has said, to the agricultural community because they take the products of the agricultural community and branch them into the world as finished goods.

Now, sir, last September on the Wilfrid Woods report I asked for this question of the adjustment of tariffs to give secondary industries some help to be considered; in the last budget debate and in the last Standing Finance Committee debate I made the same plea. I asked that it should be done. I made a little progress on that occasion because I received a

promise that it would be given careful consideration. To-day, on the Plewman Report, they have said exactly the same thing and we are still waiting for some action. That is, an 18-month period has passed since I first made the plea on behalf of these secondary industries that something should be done. It did not take a very great economic brain to know that something should be done to help them; it did not take a great wealth of economic knowledge to know that there were two lines of action: that either you should go for tariff protection or you should go for tariff rebates. I have quoted in this Council the instance of Southern Rhodesia and its help to its secondary industries; as a result of which one Company I represent cannot compete with its own Southern Rhodesian branch in price because of the different advantages offered.

I suppose if I am fortunate enough to be returned at the next general election I shall still be making the same plea, and I have to warn the hon. Financial Secretary, in whose interest it is to see that these secondary industries are fostered, that this is a case where the sands of time are running out. These manufacturers who have to make decisions as to where they are going to place their factories, consider these things extremely carefully (Hear, hear), and, unless there is some very definite sign of action and desire on the part of Government to help in these matters, they will find that these manufacturers have decided to place their productive factories elsewhere.

I should like to congratulate the hon. Chief Native Commissioner on his speech. It is the first time I have had the pleasure of hearing him in this Council and, as I expected, his speech was full of fire, full of enthusiasm and full of courage. He had the courage to say exactly what he thought. He had, what is somewhat unusual on the opposite side of Council, the freedom to say what he thought. I can not doubt—no shadow of doubt—on the hon. member's integrity when I say that it is perhaps a great pity that on this occasion when he had the freedom to say what he thought, that thought happened to be that the Government would really like to do. (Laughter.)

Page 47, paragraph 149. He dealt with the question of tax and said that this

(Mr. Vasey)
would have to be entirely non-racial; that there would have to be the same system of collection; that the Europeans would have to stand in queues on a certain day to pay their personal tax exactly the same as everybody else. If it had to be, it had to be, Sir, I know what the European community would rather do. I would rather see the burden of taxation fairly spread over everybody, and stand in a line to pay their share, than see it not spread fairly over everybody. But I suggest he was a little alarmist unnecessarily. When the committee said that this should be entirely non-racial, it meant entirely non-racial in its financial implications. There are many things in this country which are entirely non-racial but which, because of the peculiar system of administration in this country, have to be administered on a different basis for different races, because of different customs and habits.

When he said that to realize the poll tax position and the African contribution one should put the poll tax and the local native council contribution together, one could agree that there is a great amount of justice in his case, but what is sauce for the Chief Native Commissioner's goose may, I think, be claimed to be sauce for, shall we say, Sir Alfred Vincent's gander. If you wish to do that for the African, then it is fair to the European and Asian taxpayers and ratepayers that you should also place on their credit side the local government rating contribution to the production of taxation in this country, and realize that a great proportion of the European and Asian contribution to rating is devoted to African welfare services. I think we must have it both ways. And, in addition, as far as the European hospital tax is concerned, one must remember that the Europeans in addition have accepted the burden of paying for their own hospital service and accepted the principle—and I may say I protested very heavily against this one—of the provision of capital expenditure on those hospitals; so that the Government central taxation as outlined does not really represent the full contribution of what in this case we might call the non-African classes.

The other point in the hon. member's speech was this paragraph 150. My colleagues know that I hold no brief for the agricultural community as a whole.

They look upon me as being a commercial hawk who does his best to stay the more greedy demands of the agricultural community, and we have many battles! But I am not prepared to accept the interpretation of the hon. Chief Native Commissioner, nor am I prepared to accept the interpretation of the hon. member Mr. Mathu that the Europeans, as he suggested, have put this forward to feather their own nests or that this is—and I think the hon. Chief Native Commissioner suggested it—just a bait to get men to work on European farms. I will quote his own words: "I will draw his attention to the shining light in this report"—the man whom he did not name but whose wish and desire for the furtherance of African interests he himself praised so highly, and I refuse to believe for one moment that that worthy gentleman signed that paragraph for that purpose. He signed that paragraph for the purpose he has outlined in the one phrase—"and so contribute materially to the relief of overcrowding in those areas". (Hear, hear.)

Now, if it is a question of feathering one's own nest, let us for one moment look at what the agricultural community does for this country, and I am quite prepared even as a commercial hawk to pay tribute to them.

If the agricultural community were free to export their production at world market prices rather than supplying it as they do at the controlled price level to the people of this country, the agricultural community would be in the position to pay a much higher level of taxation than they have to to-day and would be willing to pay it. The agricultural community, because of its exclusion from the world price markets, is in fact subsidizing a great proportion of the community in this country, and unless they get the labour to produce these foods and goods then, believe me, the economy of this country is going to be in a very, very difficult position. And if it is necessary for any reasonable enticement to be made to ensure that these people have that labour, as a commercial man I say that I am prepared to stand on the side lines and cheer them. (Hear, hear.)

Just one point in the speech of the hon. member Mr. Ohanga, and that was on the question of the concealed taxes and beer halls. I would draw his attention

(Mr. Vasey)
to the fact that any money made from beer halls in townships is used for the purpose of the Native Trust Fund and for the benefit of African welfare services only. There is no question of a concealed tax in that particular type of activity.

Now, sir, to draw near to the close, to deal with the hon. member Mr. Mathu. The hon. member read from a book called "Race and Politics", and he said that the writers agree. I have read "Race and Politics", and have been unable to find any point of agreement between Muzery Perham and Elspeth Huxley. (Laughter.) If you are prepared to read a paragraph from one letter and say Miss Perham agrees, yes, quite right, but not that the writers agree, because if you turn over a few pages later—and I am not a great betting man—I am prepared to wager that Mrs. Huxley disagrees, and we in this colony have, perhaps, a somewhat ingenuous belief that Mrs. Huxley, having been born and lived here, knows a little bit more about the situation than perhaps the other writer.

I was surprised to find the hon. member Mr. Mathu's opposition to the wealth tax. I think he went a little astray, because I am perfectly sure that in principle he must agree with it. But he did give me the impression that he was opposed to it all along the line. In a debate last year I said to him that surely the hon. member did not mean to give the impression that he was opposed to taxation being imposed on a greater scale on the wealthy African inhabitants, and the hon. member interjected and said "I do", and I said "I am sorry". I repeat it, if that is his intention I am sorry.

This tax may be difficult to administer, but I am not competent to argue with the hon. Chief Native Commissioner on the question whether it can be administered or not, but I do say to the hon. members Mr. Mathu and Mr. Ohanga that the principle of this tax is a very good one, and that if it can be applied at all it will undoubtedly bring relief to the great proportion of the poorer Africans whose interests the hon. member Mr. Mathu has at heart. Had that hon. member argued that the committee was wrong in placing the level at Sh. 10 on the £30 income, there might have been some discussion, there might have been some argument, because if one turns to

Appendix Q, which shows the intended native poll tax for 1948, one will find one instance of Sh. 6, one instance of Sh. 7, one instance of Sh. 9, and 28 instances ranging from Sh. 10 to Sh. 17 a year.

That Sh. 17 is to be imposed as a flat rate, that Sh. 10 is to be imposed as a flat rate, the Sh. 12 is to be imposed as a flat rate. Had he argued that that basic flat rate was too high I could have understood his argument to some degree. But let us look at what really happens to the lower income groups on this basis suggested by the committee. If one takes the average of these taxes as shown in Appendix Q, one can place it roughly at about Sh. 11. Sh. 11 on £30 per annum represents about 1/54th—if members will turn to that table they can check what I say. On an annual income of Sh. 600, Sh. 10 represents 1/60th, or if you take the average at lower than the minimum amount mentioned, £30, and place it at £15, it represents 1/30th of the income. But at Sh. 600 it represents 1/60th, and at £20 per annum for an African earning Sh. 1,200 per annum it represents 1/60th; for Sh. 900, 1/45th; at Sh. 40 on an African earning Sh. 2,000 income it represents 1/60th; on Sh. 1,800, 1/45th. If you take the Sh. 60 rate on Sh. 8,400 per annum, it represents 1/80th, or on Sh. 3,600, 1/60th. In other words, in these higher groups an African has to earn 21 a week before he is called on to pay 40 cents a week in tax.

I think the structure of taxation like that will bring benefit to the poorer group of African. Had the hon. member Mr. Mathu suggested, as I said, that the flat rate should be lowered and that aspect should be considered, I am perfectly sure he would have received considerable sympathetic support from the group of members which the hon. Member for Nairobi South leads. His plea that this is going to be hard on the African is a little bit out when the figures prove that if it could be administered in this way it would relieve the lower income group. Even on the higher groups 1/60th of their income is not an unfair proportion to return to the state for the services the state is continually giving. For that reason I was disappointed to hear the hon. member Mr. Mathu say that opposition will be great. If this is fairly and reasonably explained by the leaders of the Africans, I do not believe the opposi-

[Mr. Vasey] tion will be great, because I am perfectly sure that the poor African thinks that the wealthy African should pay more to the state expenditure, just as the poor Asian thinks that the wealthy Asian should pay more and the poor European thinks the wealthy European should pay more.

In conclusion, the hon. Member for the Coast quoted an ex-member of this Council as saying the report was inspired, or rather that the report was simply glimpses of the obvious. I suspect that the ex-member to whom the hon. Member for the Coast referred was at one time resident on the noble benches opposite, and it is a great pity, if this report is glimpses of the obvious, that he did not make Government see it was obvious when he was there. (Laughter.)

MR. COOKS: On a point of explanation (laughter), the hon. gentleman has no right to assume that the late hon. Financial Secretary did not point that out.

THE PRESIDENT: That is not a point of explanation.

MR. VASEY: I have no right to assume that, but I have at any rate the right to assume that the financial policy of the Government is in a great measure dictated by the Financial Secretary.

Of course, the report is obvious. With that consistency which I think we may fairly claim to share on occasions with the hon. Member for the Coast, we have been saying it is obvious for such a long time. Thank heaven, the obvious has been stated in black and white that all who think may read, that somebody has had the courage to place the obvious on paper that all who read may understand. And let us hope that, understanding, they will take the equally obvious appropriate and necessary action.

DEPUTY CHIEF SECRETARY (Mr. Thornley): Mr. President, I should like first of all very warmly to associate myself with the tributes which have been paid to Mr. Flewman and his colleagues on the committee. Their task was an extremely difficult one and, quite apart from all the detailed information that we have in this very useful report, I myself have good reason to know of the extreme thoroughness with which they tackled the job. We have, indeed, very good cause to be grateful to them.

We are also very much indebted to the Government of the Union of South Africa—for making the services of Mr. Flewman and Mr. MacQueen available. Our debt to them was generously recognized in the speech by the hon. Financial Secretary, but hon. members may, however, not be aware that the Union Government would not accept any reimbursement of the salaries of those two officers during the whole period they were with us. (Hear, hear.)

Speaking as a member of the Government, I do not think there would be very much point in my commenting on some of the very interesting speeches which have been made in the course of this debate, because the hon. Financial Secretary made it clear that Government would consider very carefully all opinions and views on this report which might be expressed in this debate. I must, however, solemnly as a member of Government protest against the suggestion which my hon. friend the Chief Native Commissioner referred to yesterday in paragraph 142 of the report. I think that it is extremely unfortunate that that suggestion which the committee itself did not necessarily associate itself with—that is made quite clear from the words: "Be that as it may" in line 11—should nevertheless have been included in it (Hear, hear), and I must very strongly on behalf of Government repudiate entirely that utterly untrue suggestion affecting the reputation of our district commissioners.

I hope I am not doing him any injustice—if I am I am sure he will make it clear in winding up the debate, but I was not clear from the speech made by the hon. mover of the motion that he himself did dissociate himself from that suggestion, and I would ask him—and I am sure he will when it comes to winding up the debate—if he would be good enough to clear up that point of possible misunderstanding.

The hon. Member for Mombasa asked in the course of his speech that a statement should be made by Government as regards the date from which any adjustments in rebates of tax should have effect. I would, as I am speaking for the Government, just like to say that that point will be dealt with by the hon. Commissioner for Inland Revenue.

[Mr. Thornley] Now, sir, I propose to avail myself of the opportunity of speaking to members of this Council as John Citizen, and to make certain observations which I personally feel very strongly should be made.

I am going to refer to the recommendation in paragraph 108 of the report, which is to the effect that "a still greater measure of tax relief must be conceded in certain directions at appropriate times"—I would emphasize those words—"in order to relate the taxation level more suitably to the prosperity level, to encourage the development of the natural resources and to stimulate the growth of national prosperity", and also to paragraph 128 of the report, in which it is recommended that "a sufficient measure of relief from the present level of income tax is now essential" because of "a distinct danger that the rate of tax in the higher income tax levels will not allow for the development of the country's resources to proceed as smoothly as the national interests presently demand".

The hon. Member for Nairobi South, when moving this motion, and strongly commending this and the other recommendations in the report for our approval, dwelt at some length on the views which he had expressed some nine or ten months ago when the Standing Finance Committee were considering the budget for 1947 and again during the debate in this Council on that committee's report on that budget. It seemed to me that he clearly saw in this report a complete vindication of the views expressed at that time. He even went so far as to state with some vehemence that a measure of relief from taxation should have been introduced by Government two years ago. There was hardly any mention in the hon. member's speech, and certainly no sort of emphasis was laid on the situation existing at the present time against the background of which we, as prudent men, must consider these recommendations.

The hon. Member for Nairobi North, in dealing with this particular recommendation, congratulated the hon. mover on what he called the complete vindication of those views expressed the best part of a year ago. He also made no mention when dealing with that particular subject of the situation which we are facing of necessity to-day.

I would say before going further that I could not agree more with the hon. Member for Nairobi South when he said that the best sort of help we could give to the United Kingdom at this time was to stimulate production and get on with it as efficiently as we can. But I would say that I am quite unconvinced from anything which is written in this report that any measure of tax relief at this moment is necessary to bring that about, and I claim that the first sentence in paragraph 43 of the report—which states: "The inflow of capital into the colony since the termination of hostilities at the instance of private enterprise is known to be high" supports me in this view. In short, the impression that I got from the speeches of these two hon. members was that in the general excitement of the great vindication that the one, the mover, saw for himself, and the other saw for the one, the present situation existing to-day had been completely overlooked.

MR. VASEY: On a point of explanation—

THE PRESIDENT: The hon. member speaking has given way to you.

MR. VASEY: I would remind the hon. member that I referred to the dollar emergency several times.

MR. THORNLEY: I qualified my remarks by saying that when dealing with this particular subject the hon. member had not mentioned the sterling-dollar crisis.

For my part, I am not in the least concerned with what should or should not have been done by a wicked Government two years ago. I was not here and I must be held completely blameless. I am not very much more concerned with what should or should not have been done a year ago even, because I was then neither a member of this Council when the budget was debated, nor was I a member of the ex-Council, but I am very much concerned with what should be done in the circumstances which exist at the present day, and that is what we have to consider.

What is the position to-day? Surely that is the question which every single member of this Council must ask himself? As I see it, the United Kingdom is facing an economic and financial crisis which might result in far more lasting

[Mr. Thornley]

and serious damage to the United Kingdom and this country and other countries associated with her in our Commonwealth than anything which the German panzer divisions, U-boats, bombers and V weapons were ever able to do. Is not this a situation in which in the words of paragraph 33 of this report "the state is unquestionably entitled to demand as of right any sacrifice from the community and almost nothing is too precious to be offered up in the national cause"? Is it; not also a situation in which, to put it very mildly, it would be prudent to do everything in our power to build up our surplus balances as quickly as we can to a figure which we may reasonably hope would carry us through a grim period of slump, which for all any of us can foretell may descend upon us in a very short time?

I for my part think that it is a situation of that kind. I personally have no doubt about it whatsoever, and I think that it is a most unpropitious time to think or talk of measures of tax relief. The need of the times, as it seems to me, is that we should either maintain the tax level as it is at present—if not increase it certainly not reduce it—and that we should call on all those who can afford it—and I would emphasize all those who can afford it—drastically to reduce their standard of living and to place the sting thus effected in Government securities. And I believe there are many people who are in that happy position. I agree with the hon. Member for the Coast when he said there were certainly some people in this country who cannot afford it.

The debate was adjourned.

Council adjourned at 11 a.m., and resumed at 11.15 a.m.

The debate was resumed.

MR. THORNLEY: Mr. President, I had just come, when the bell sounded, to the point where I gave my view as being that the need of the times definitely, as it seemed to me, requires that at least the present levels of taxation should not be reduced—nowhere in the report is it stated that the present rates are crippling—and that I thought that all those who could afford it should drastically reduce their standards of living, and put the savings thus effected into Government securities. That, sir, is the position which

which I personally should like to see go forth from this Legislative Council to-day.

Just look at the position that we are in. At home the unfortunate taxpayers have no choice whatever in this matter. They are paying far, far heavier and far, far more crippling taxes than we are here, even at our present rates, whatever may be the rates in other colonies; and it is from those people that we are hoping in the course of the next few years to receive some £5,000,000 to help us get on with our development plans. To me it is unreasonable and utterly wrong that we in a situation of this kind should be thinking in terms of tax relief. Surely our right course of action at this moment is to keep our own house in as good order as we can, and to improve it so far as it is in our power to do so, so that the next time we have occasion to go to His Majesty's Government in the United Kingdom to ask for a further instalment of the funds so generously allocated to us under the provisions of the Colonial Development and Welfare Act, we can go to them with our heads high, sure in the knowledge that we have gone to the utmost limits out here in Kenya to help ourselves.

I hope—and I am now speaking personally to hon. members opposite, and especially, if I may, to the hon. Member for Nairobi South who is my own elected representative on this Council—that they will give consideration to these views. I know that I am not alone in holding them. I know that there are some members in this Council who hold them, and I am positively certain that there must be many others outside who hold them too. I therefore hope—and it is me speaking, not the Government at this moment—that between now and the budget debate very careful consideration will be given by everyone to this matter. My hon. friend the Financial Secretary has made it clear that the Government has agreed to some measure of relief from income tax, and that statement, of course, stands—let there be no mistake about it. This Government, rightly, does always give very careful consideration to views held by elected members opposite, and to views held by the people of this country, and I have no doubt that if, when we come to the budget session, hon. members opposite should change their tune

[Mr. Thornley]

in this matter, Government would be prepared to reconsider the policy as announced by my hon. friend the Financial Secretary two days ago.

I should just like to make one more short observation, and that is regarding paragraph 48 of this report which, as mentioned by the hon. Member for Nairobi North, states that the Plewman Committee were, for very good reasons which I perfectly understand, not in a position to consider what the likely repercussions in this country to the sterling-dollar crisis would be. That is perfectly understandable and I accept it, but it is not a position which we in this Council can possibly accept. It is the duty of us here, and it is the duty of the Government, to consider, and to consider very carefully, what those repercussions may be. No Government could possibly in such circumstances consider its revenue estimates for 1948 without having regard to the possibility that there may be a complete economic blitzkrieg round the corner. The hon. Member for Nairobi North, seeing possible reservations being made by the Government on the strength of that particular statement in the report, made—if he will forgive me—the rather disingenuous suggestion that these men, all of them distinguished men, who served with Mr. Plewman on this committee, were unaware—I think he said that—or might have been unaware—that there is a project for a military stores holding organization in Kenya.

MR. VASEY: On a point of explanation, what I said was that the hon. Financial Secretary had said that they were unaware of the one; therefore I was entitled to presume that they were equally unaware of the other. That is the only point I made.

MR. THORNLEY: I accept Mr. Vasey's statement, but I should like to make it clear that they must of course have been completely and fully aware of this project weeks before their report was submitted. The General Officer Commanding-in-Chief had several weeks earlier held a Press Conference about it, and the facts were all set out in some detail in the newspapers. They must, of course, have been fully aware of this major development affecting this country.

I have nothing further that I wish to add except that I would repeat that these views which I have expressed to-day have been expressed under licence. They are my views; they are views which are very strongly held by me. They are not the views of the Government. (Applause.)

MRS. WATKINS: Mr. President, I rise in my turn to express my appreciation of this report and of the mine of information that we now have to hand. One or two details on that information with which I happen to be particularly acquainted which are perhaps not quite accurately represented I will deal with later. But meanwhile the report is going to do a great deal of good in this country, and I think they have faced facts after a very long time. We have been trying to get some of these facts across to the Government for a very long time, and I think perhaps I should assume responsibility as being the first person to bring up that very disputed paragraph about district commissioners and native tax targets.

I think I was the first person to state publicly that when the target figure in a district was reached they then felt satisfied, and in stating that it was never intended at any time—and I do not see really how I could have been misinterpreted—to be an accusation against district commissioners, for surely, with my connection with the administrative service, my present connexion as well as my past, I should be the last person to maintain in open council such an accusation. I feel sure it is nothing more than the result of overwork and non-realization by the public of what they were doing to the administration when they piled more and more work upon them. I repeat that I intended no kind of accusation against the administration in making that statement. I believe it is much more honest to face facts and to realize what we are doing when we ask district commissioners to take on extra duties, such as getting labour for the Army or taking on cattle distribution or collection and all these things. That is why I wish to clarify the position here now.

I should like to say here with regard to page 39, paragraph 28, that the provision for farmers has been very much appreciated in Kiambu. And now a further point—it was indeed refreshing

[Mr. Watkins] to hear the hon. Chief Native Commissioner at last able to express himself freely, for when a man is allowed to express himself freely it is very much easier to hit back.

I do not want to say very much to-day, but there are one or two points I want to make. For instance, the hon. Chief Native Commissioner, in full blast, if I may say so, denounced the tax on agricultural workers. He thought that it was a terrible thing, and he underlined that it would be for private enterprise. He said that, he thought it was quite wrong because it would direct labour into private enterprise. Mr. President, the whole British Empire was built up on private enterprise, and I see no shame in being part of it, nor do I see any shame in directing labour towards any section of enterprise, as long as you do not direct it to a particular private employer. I cannot see that it is wrong at all, but if it is wrong, may I point out that His Majesty's Government are doing it at home? (Mr. COOKE: Very cautiously.) They are doing it in every way they can, and I think they are doing it in a stronger way than we know of.

I cannot see that it is feathering our own nest to say we want production for Britain. It is a fact that 5,000 bags of potential sugar in my constituency cannot be cut because there is no kind of direction or labour at all. In England you have zoning of biscuits and other foodstuffs. Why cannot it be said to the Wakamba: "You do not get sugar unless you help cut sugar"—one would say that that was a kind of direction of labour that might be useful. It does not seem to me to be a noble gesture to say you cannot reduce taxation when labour might be going to private enterprise. It seems to me to be rather unkind to Britain. Nor do I know how much longer this country can carry the tremendous burden of the leasured class. I think we all know who we mean by the leasured class in this case—the people who hang around the African markets, who perhaps spend a week selling two bars of soap and a bit of charcoal. If you cannot direct labour "into" useful industry, surely some of that labour might be directed out of unproductive time-wasting occupation in this moment of difficulty in the whole Empire?

MR. WYN HARRIS: On a point of personal explanation, I did not suggest for a moment that I was opposed to the direction of labour. What I did say was that I was opposed to the use of the fiscal system for directing labour, which is an entirely different matter.

Mrs. WATKINS: The committee took quite the opposite view and thought it was a good thing. I am sorry the Chief Native Commissioner has to disagree with them on that point, because I think the country agrees with the Plewman Committee, which was the point I wanted to make.

I should like now to deal with some of the somewhat surprising statements made by the hon. member Mr. Mathu. He hinted that African interests were not represented on that committee. If he does not consider that Archdeacon Beecher's representation is in favour of the African....

THE PRESIDENT: Would the hon. member address her remarks more this way and not so far down the body of the hall?

Mrs. WATKINS: If the hon. member Mr. Mathu believes....

MR. MATHU: On a point of order, I did not say that African interests were represented. What I did say was that there was no direct African representation.

Mrs. WATKINS: I accept the explanation, but I did not understand it like that, Mr. President. I should like to say that I consider that the Rev. Archdeacon Beecher's representation not so much a representation as a dedication. I personally feel it rather comforting to think that the Archdeacon is attacked by the representatives of the Wakikuyu, because then I know that, whatever we do, we are going to be mistrusted, whatever we try to do to help is going to be regarded as feathering our own nests, say what you will, and then I know we are all going to come under that suspicion, but when I am classed with Archdeacon Beecher in that suspicion, I feel rather better about it.

I am rather surprised—or perhaps I am not really surprised—that the African representatives resent strongly the wealth tax and require racial discrimination in taxation, because that is what it amounts to. They oppose it entirely on the ground

[Mr. Watkins] of the impoverishment of the African. If they are really so impoverished there is no need for them to worry about a wealth tax. I personally have never had a sleepless night over super-tax in my life—it never affected me. So I think they are not because they are impoverished, but because they are frightened because they know that certain of the wealthier Africans might be taxed in order that the tax might be eased for the really impoverished, and the richer Africans do not want that.

He also qualified his statement. He said that he considered that perhaps only one per cent would come under the wealth tax. I would put it much lower than that, one per mille perhaps. With 34 millions as a minimum of population, that would give 3,500 folk for the wealth tax, unless my arithmetic is wrong, and quite a useful sum would result. It would be well worth while to bring it in. I suppose that into the wealth tax class come those two gentlemen who recently paid £15,000 for an eating house or two for Africans in Nairobi, and various other owners, or even people with a dozen or more wives!

Those are the main points I really wanted to make on the question. There was one other. There was one figure I am not quite happy about, and that is the agricultural labour figures in the Plewman Report. Of course, I should hate to challenge the statistician who produced the figures based on facts supplied him, and I should certainly never dream of challenging the good faith of the Labour Department, but I am going to challenge the figure of Sh. 11 which is supposed to be average wage paid to the agricultural labourer. I would say that it is far greater than that. Having taken a rough average between the Northern Frontier District, Mombasa, Nyanza, Central Province, Nyeri, and Nairobi, it works out at something like Sh. 17. I suppose the average would be about Sh. 16 plus rations, plus bedding, plus fuel, plus saucers, etc., medical services and rail fares, and in very many cases plus the rent of the land which they are using for grazing of stock if they are squatters. I wanted that put on record, because otherwise these figures tend to be misleading to people who do not know the facts and they may be quoted against

I think it would indeed be difficult to make an employer collect the tax of his employees. If you wanted to make the agricultural people responsible for paying their employees' taxes you would have to take one week in the year—say the last week of January—and make us all collect in that one week, because otherwise the African finds out exactly when the bwana mkubwa is going to collect tax, and moves to the next farm, afterwards moving back again, and you merely get a shifting of labour. It would perhaps be possible like that. It is not a matter of not wanting to help the Government, but it is a question of the fear of going bankrupt if all your labour leaves us, that makes us hesitate. I do not mind stating in Council that I know quite a number of my boys have not paid their tax, but when I report it the authorities cannot always come out, and when I send the boys in they go and have a drink instead! It is a rather difficult thing for the ordinary employer to tackle when he knows he is going to lose his labour, but if there is any way in which the farmers can help without that risk, I am sure I should be very glad to try and persuade Kiambu to co-operate.

That is all I have to say.)

ECONOMIC AND COMMERCIAL ADVISER (Mr. HOPE-JONES): Mr. President, what I have to say will be very brief because my views are already in the report which I have signed. I do not take back any of the views expressed there (Hear, hear), with one exception, and that is on one point which I am sure other members of the committee will wish me to mention—no member of the committee had the slightest intention or desire to cast any slur or any reflection on the good faith and devotion to duty of the administration of this Colony and Protectorate. (Hear, hear.) If any misunderstanding has arisen in that connection I know my colleagues would wish me to repudiate entirely any such suggestion.

Now, sir, I signed this report not only as a Government official (which I have been for a very short time), but also as a professional economist (which I have been ever since I started to work for my living and which I intend to go on being probably long after I cease to be a Government official). Although I say that as a professional economist, I felt I

[Mr. Hope-Jones] could sign this report, I must add this, that economics is not an exact science, and I cannot do better to prove my point than by quoting a rather interesting observation of the late Lord Keynes, when he said: "Economists attempt, through a defective mechanism, to determine the relationship of the imponderable to the unknown which is human nature". I suggest that unless that modest definition of economic science is accepted, and unless one admits that thesis, one would be in danger of living in cloud cuckoo-land. One is apt to think that economist consider themselves to be infallible. By quoting the words of that matter economist, I think I have made it clear when I say that though I signed this report as a professional economist I am making no claims whatsoever to its report being infallible.

Of course, our report is fallible, we were human beings, but I would say this, and I think it should be said in this Council that in making our recommendations and in reaching unanimity in this report, we reached it not just on an *ad hoc* basis of making one recommendation on this point and another on that and then perhaps thinking "We must say something about this, as well and say something about the road fund and customs duties". We did not do it that way. We based our recommendations—and that is why I say I do not retreat from any of them—on a philosophy, and that philosophy was an economic philosophy, and our particular object was this:

We started from this basis: that in considering fiscal policy it was no use considering fiscal policy in the abstract in isolation. Fiscal policy, in our opinion, is a tool by which the economic potential of a country can either be built up, can either be emasculated, or can be, indeed, destroyed. It was our object in making our recommendations to indicate in which way the fiscal weapon, or the fiscal medium, could be made use of to build up that economic potential. In a new country, it was the committee's view, that not only must the fiscal policy of that country be related to the economic capacity of the country to pay, but because this is a new country its greatest requirement, in my opinion—and I think I may say in the opinion of the members

of the Plewman Committee—its greatest necessity is to fructify the land with capital.

It is true that in a certain part of the report we say there is ample capital coming into the country at the present time. That is perfectly true, but in the short time I have been in this country, in the comparatively infrequent opportunities I have had to look at it in the light of other new countries I have also been in, from the point-of-view of an economist I would say that the capitalization of this country is at the moment well below what would be the optimum capitalization and that, although we may say, quite rightly, that much capital is coming in now, to suggest there is not room for five or ten times as much investment in Kenya in East Africa would in my opinion be absurd. (Hear, hear.)

On that basis we decided that it was necessary to give every possible encouragement to new capital to come into the country. We decided that it was necessary first of all to see that a large proportion of profits were ploughed back into productive enterprise. This should be so, because it is necessary to ensure that those who have built up this country should also have their opportunity to add to their capital equipment and so increase the productive capacity of the colony, in addition to allowing new people to bring in new capital on favourable terms. We also thought it necessary to encourage the growth of secondary industries, and here I would refer to what the hon. Member for Nairobi North said in that connection. If he will turn to paragraph 165 (f) and (g) he will see there that definite recommendations were made. Those recommendations were considered at a recent inter-territorial conference, and I am authorized to say that the recommendations of the Plewman Committee in that particular case are the views of this Government, and there is every reason to hope and believe that they can be implemented as soon as possible. (Hear, hear.)

Now I have to deal with only one other thing, and then I will sit down. It is perfectly true that the Plewman Committee did not deal with the present "dollar crisis", as it is usually mis-termed. It is, as hon. members know, a general

[Mr. Hope-Jones] production crisis, a trade crisis. But although the Plewman Committee was not in any position to deal with the dollar crisis—this was one case where we did observe our terms of reference!—at the same time the members of the Plewman Committee had very much in mind, as responsible citizens, the present situation, and there are two ways, in my submission, of looking at the present situation. I spoke at length in another place on this matter. There is the very necessary restrictive side, there is equally important the positive side, and in my opinion, the more helpful and constructive side. That is, to increase production by every means. In my submission, whatever may be necessary on the restrictive side, I think many such things are necessary and must be done to deal with the immediate crisis.

I do suggest that, in the light of the explanations I have tried to give, in the light of the factors I have identified that the committee took into account in making their recommendations, every one of these recommendations is directed towards increasing productive capacity, and by increasing that I suggest we will be giving the best assistance this colony, or any other in the British Empire, can give to the other country in her hour of need. (Hear, hear.)

I think that I for one learnt a great deal by being a member of the Plewman Committee. I learnt a great deal from the Committee. His wisdom, his patience, and I say say his insight into conditions in the colony, impressed not only me, but every member of that committee as that days and weeks went by. I know that every member of the committee would wish me to say how very grateful we were to him, and I think also that we in this colony owe him a very great debt of gratitude. (Hear, hear.)

My final word is this. I have very great reason to be grateful for the assistance I have had since I came to this colony from the unofficial community, European, Asian, and African, and as the only Government member of the Plewman Committee I think that we all, as the hon. Financial Secretary said, owe a very great debt of gratitude to those men (the unofficial members of the committee) who gave up so much of their

time. I am very proud to have served with my colleagues on that committee. (Applause.)

I beg to support:

ACTING LABOUR COMMISSIONER (Mr. Carpenter): Mr. President, may I say that I feel very privileged indeed to support this motion. I would like to remind you, sir, that I am but a substitute in one of the two formidable teams that have lined up for this debate. I hope you will give me leave to express my admiration for the way the opposing leader of the attack, the hon. mover, took the ball in the dashing style all over the field, while the opposition had perforce to allow him to pass unimpeded while he playfully prodded first one player below the belt and then barged into another. The hon. mover eventually conceded the ball to the hon. Financial Secretary, who gulped it unerringly towards the opponents' goal in such a manner that the final issue of this debate is probably beyond doubt. Of the rest of the participants in the debate, I was impressed by the hon. Chief Native Commissioner, who determinedly took up the ball and ran, scoring a number of tries, some of which I hope to convert now!

When this committee was asked to make some contribution in regard to my service in Nigeria, I did little more than explain Lord Halley's observations on taxation in his "African Survey" as they were reflected in Nigeria. I followed this up with a memorandum in which I made some general suggestions, and if hon. members will bear with me I would like to outline those in the light of what we have heard in this debate.

Lord Halley states that it is a very important point that the flat rate tax is only suited to communities at the lowest economic level where incomes are practically identical for the great majority of workers. This may have been true of the position in respect of the Africans some years ago in Kenya. It is not so true to-day. The measure of progress of the African in the economic field is in effect the disparity in income levels found among a large body of their community. We do admit that we know little or nothing of the actual profit made by persons working on their own account other than that they must be at least substantially higher than those on the

(Mr. Carpenter) lowest economic level. Lord Hailey states that the advantages of the flat rate of tax lies in the ease of assessment, but goes on to say, however, firstly, that the success of the tax is in inverse proportion to its incidence; secondly, that the difficulties increase with every step taken above a figure so low that it has little fiscal value; thirdly, that it is ill-adapted to meet a depression; and fourthly, that it is pitched so low that it can be paid by the poorest section of the community and is therefore unfully favourable to those who are better off.

However, there are reasons why the system of tax collection adopted in Nigeria is not so readily applicable in this country of Kenya. As the hon. Chief Native Commissioner said, the principles underlying this report are acceptable—their interpretation is another matter.

I also feel it is very important, and here I agree with the hon. member, that all of us, Africans included, should fully understand what taxation means, and that local authorities, both European and African, should be able to relate their expenditure to what is available by way of revenue. The hon. member Mr. Mathu made the allegation—I use the word allegation—that the Africans were not yet ready to understand the implications of assessment and estimates. I would like to give you an example of how even the most primitive and illiterate Africans have been taught the significance of annual estimates. Picture to yourself a mud and wattle council house and seated on the ground and on stools a number of scantily clad Africans with their district commissioner or district officer. On the floor between them you will find that curious board on which the game of bau is played. It is an oblong rectangular piece of wood with a number of depressions in it. In those depressions are a number of cowries and small sticks. The district officer has arranged these cowries to correspond with the money in the treasury; where the total revenue is small each cowrie would represent £10, another larger treasury perhaps £100 or more

THE PRESIDENT: I shall have to ask the hon. member to confine himself to the subject of the debate which undoubtedly is a very wide one, but the

motion does not include a description of anthropology in West Africa.

MR. COOKE: On a point of order, is not the hon. member developing his argument?

THE PRESIDENT: It is very difficult to follow it.

MR. CARPENTER: If I may quickly reach a conclusion on that point. What I want to say is that the most illiterate person can be shown—exactly—how estimates are framed and exactly how their money is being spent. Each of these depressions contains cowrie or some token relative to what they have got to spend, they are shown that their money has got to be collected by tax, and that therefore they cannot expend any more than they actually collect.

Nigeria has a comparatively stabilized population, with a ready market for its produce. Kenya is not so stabilized, nor has it a large self-supporting population. Numbers of Africans emigrate to towns and the settled areas in search of wages. Those persons work for a time, and then return to their reserves. In those reserves Africans are not producing crops for sale on the same scale as on the West Coast, where they have their own organized agricultural production for the major markets. There are fewer persons in the reserves of Kenya than in Nigeria who would be below the lowest economic level, and that is a most important point.

The hon. Chief Native Commissioner has elaborated on the difficulties of introducing here a system similar to Nigeria, and in considering any such scheme I suggest that the taxable males can be divided into four main groups: one, those living in and dependent entirely on their reserves; two, resident labourers in settled areas; three, those partially dependent on the reserves and partially on migratory employment; and four, urban workers. Taking into consideration the cost involved in introducing a new scheme, I suggest that the urban workers should be the first group to be tackled. There are 90,000 men in urban employment, and 40,000 men in agricultural employment, all of whose salaries and conditions of work we know to a reasonable extent. Their incomes are readily ascertainable, and a rate or some form of contributory tax

(Mr. Carpenter) on a wealth basis would not be difficult to assess.

The hon. Member for Kiambu referred to paragraph 45, and said the figures given there under agricultural workers was probably not correct. I should like to explain those figures do not in fact contain only adult males—they contain also women, and also juvenile workers, given as an average of the 11.7 figure given as an average representing the rate of wages for the month is therefore low. It is nearer Sh. 14, and that does not take into consideration the fact that a proportion of these are fed and also housed.

I am not in favour of a graduated poll tax or personal tax in addition to a wealth tax to be imposed by local authorities. I prefer that the poll tax should remain rigid for the time being. There would then be no necessity for two assessments to be made on the same individual, particularly in the case of the person who spent some of his time in urban areas and some in the reserve. I suggest that those in class 1, those in the reserve, should be left alone until we have succeeded in working out something more practicable which could be applied to those working in urban areas, whose incomes, as I have said, are readily ascertainable.

I cannot agree that district councils should not rate the African. They must provide certain services, and in fact are already doing so. They should say that they are prepared, for example, to start six dispensaries and possibly four primary schools, and that they require money to do so. I am quite certain that a contributory wealth tax would be readily obtainable for that sort of purpose.

The hon. Chief Native Commissioner has enumerated the difficulties of implementing the recommendations in paragraph 149, the personal tax based on a multiple scale. I think also that it would be difficult in the extreme for any assessment committee to use this type of scale as anything but a very rough guide in making an arbitrary decision as to the amount of personal tax payable. I think the result of that sort of system would, in the words of the hon. member, result in a bad system. As I said before, I do not think a graduated personal tax can be

worked alongside a wealth tax which is also to be graduated.

The principle of rating has already been accepted by local native councils, but on a flat rate. They must be persuaded of the wisdom and expedience of going over to a rate contributed on a wealth basis. I do not altogether agree with the hon. Chief Native Commissioner that it will take a very long time to do it. I think that if a reduction of the tax for the great majority of taxpayers was made a condition that some of them would at least pay a little more, the pressure of the majority would in fact be such that they would accept it quite willingly.

Finally, I am of the opinion that the measure of success of any scheme that may be devised and the reduction of its cost to the minimum would be largely dependent on the Income Tax Department having full knowledge and full details and a complete record of every taxpayer in the colony. No. 12463 Jerome wa Kamau has left the reserve to find work, the district commissioner finds he is not on his record as having paid his tax, the district commissioner can inform the Income Tax Department which can, with no difficulty at all, find out where the man is working, and so the just dues can be collected from him. (Applause.)

MR. THAKORE: Mr. President, I also join in praising the chairman of the Plewman Committee and the members of that committee in putting forward this very valuable document. I also do the same in respect of the speeches made by the mover of the resolution, as well as by other hon. members on both sides of Council, whose speeches have been very interesting and have helped me considerably in appraising the valuable report. I have great admiration for the hon. Chief Native Commissioner for the courage and conviction displayed by him in presenting his point of view in connexion with the report.

An otherwise sober document, to my mind, is spoiled by the recommendation in section 150 of the Plewman Report. I consider for one that, politically, that recommendation is very damaging and it gives an impression of having been made to order, in that, whereas in the debate on the Woods Report certain members on this side of Council were against it

[Mr. Thakore] in two matters in particular—namely, that the report did not contain recommendations for further African taxation and did not recommend a reduction in income tax or relief in income tax—the Plewman Report gives the impression of having been made to order because these two particular matters have been covered in it. (MR. MATHU: Hear, hear!) (MR. FOSTER-SURTON: Shame!) Again, I feel that as a guide to fiscal policy there is very little difference between the recommendations of the Woods Report and the recommendations of the Plewman Report, although the latter seems to be more exhaustive.

In the matter of tax relief I would say that a slump is round the corner and, instead of giving relief by way of a rebate on income tax, or in any other manner, at least for the years 1947 and 1948, the aim of this Council should be to budget for a surplus, as the present boom period may not last much longer and we may be in the midst of a depression at almost any moment.

I come next to local government loans. From my long association with the Nairobi Municipal Council in the past, I know that much of the borrowing has been at high rates of interest and loans permitted for periods much below the life of the asset. The effect of that has been that the incidence falls very heavily on the present generation, and when the asset is paid for it is still worth all the money that has been paid by the present generation of "taxpayers." The hon. Member for Nairobi North, with great force, put forward arguments for a longer term for future loans and, in this connection, if it is practicable, I should like to put forward one point for consideration, and that is whether it would not be appropriate to convert the present loans and float them again on more favourable rates of interest and for longer periods. All the assets of the municipalities are strictly maintained from year to year, and in actual fact they do not materially depreciate, so that when the repayment of the loan has been made the asset is still practically at its full value. There is great force in the argument that a very much longer period should be allowed for borrowing instead of the period we are given.

In respect of the collection of African poll tax, I am of the opinion that there should be only one taxing machine, and the present system of poll tax collection should be continued. Knowing that the African at present, on his subsistence wages, is subsidizing considerably the production of wealth, it may not be out of place for either farmers, district councils, or municipalities to provide social services from profits made, or rates collected, from either Europeans or Indians, and from part of the tax collected by the central Government, the contribution to be made to district councils or local authorities to pay for those social services instead of empowering the local authorities to set up a new system of rating the African.

I welcome the remarks made by the hon. Economic and Commercial Adviser and by other hon. members that the introduction of capital, the introduction of technicians and skilled persons, be encouraged in order to make a proper contribution to the further development of this country. I do sincerely hope that in a growing country like this all the encouragement that is possible be given in every direction for bringing in capital and bringing in technicians and labour in order to help us.

With those remarks I support the motion.

MAJOR JOYCE: Mr. President, as this debate proceeds it rather reminds me of the sort of report that I, as a farmer, might expect to get on returning to my farm after an absence. I ask the various *seoparas* how things are going, and each in turn says "magnificently—but!" This debate has been remarkable, I think, for the number of these "buts." However, I do not propose to refer to them, except to one only, and I think it is an important one, and that particular one was referred to yesterday by the hon. Member for the Coast, and to some extent, indirectly I think, by the hon. Deputy Chief Secretary. What I refer to is whether in fact we can support this motion wholeheartedly, as I think we can, and at the same time do so consistently with our decision last year to give support to the Development Committee's programme. I think there is no doubt whatever but that we can do so

[Major Joyce] without either jeopardizing our consciences or restricting the activities of D.A.R.A. (Hear, hear.)

I do not propose to go into that. If you examine this report carefully there are certainly four means suggested by them which, if applied, will enable the recommendations of the Development Committee to be proceeded with without undue interruption. I refer to the fact that we hope that dealing with the question of evasion will tend to increase revenue rather than to reduce it, even if the general rate of taxation all through is reduced. I refer secondly to the question of priorities, and I think that is one of the most important points in this report where they recommend that priorities for expenditure must be gone into and decided.

Thirdly, there is their recommendation that loan money can be used to some extent—and I think they are right—in state of revenue; and fourthly, we always have, if necessary, the time factor to play with where it is necessary—to curtail expenditure by spreading a certain programme over a stated period. I think that anybody who looks at the quarterly D.A.R.A. report that has been laid on the table this morning will see, from the very first sentence of that report, how much less money was able to be spent last year than the amount budgeted for, and that in itself is an indication that, owing to a variety of circumstances, such as shortage of material and shortage of personnel, there is no immediate fear at all of the development programme being curtailed by accepting the general recommendations of the Plewman Report.

I have only one other remark to make, and that is on the subject of general wealth production. That has been touched on by a number of speakers. The hon. Economic and Commercial Adviser pointed out to us how the recommendations of the report would encourage the flow of capital to this country, but I do not think that capital itself is the whole answer. Capital requires labour, and the two things are inter-dependent. We have had a number of expressions of opinion on the subject of labour from time to time made, and I believe, accepted in this Council: One which was referred to yesterday was the

axiom that all must work. In that connection may I read an extract from the King's speech which appeared in the daily paper the day before yesterday, and in reading that I should like to couple it with a principle which I think is an important one if you are going to get willing co-operation in the general desire to help England and encourage production. The principle I refer to is one of equality of sacrifice. This is the report of part of that speech: "A Bill will be introduced designed to promote the extension of production of all kinds within the Empire" and plans to obtain more food and raw materials from overseas will involve moves to find new sources of supply." Preceding that this statement was made, in so far as it affects labour in England: "The Government aims to expand the domestic production of foods and use its machinery of labour control to direct into essential industries those who are making no contribution to the national well-being." My suggestion is that during the period that will elapse between now and the budget debate all hon. members of this Council would be well advised to give some consideration as to how that particular principle could fairly be applied to this country.

I support the motion.

The debate was adjourned.

ADJOURNMENT

Council rose at 12.25 p.m. and adjourned until Friday, 24th October, 1947, at 10 a.m.

Friday, 24th October, 1947

Council assembled in the Memorial Hall, Nairobi, on Friday, 24th October, 1947.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

MINUTES

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

ORAL ANSWERS TO QUESTIONS

NOs. 69 and 70—TELEPHONE FACILITIES
Question No. 69

Mr. NICOL:

1. Will Government inform Council of (a) the number of applications for telephones in Nairobi made from 1st January, 1946, up to 30th September, 1947, and (b) the number of applications for telephone extensions?

2. Will Government inform Council of the number of allocations granted in respect of (a) and (b) of 1?

Question No. 70

Mr. NICOL:

1. Will Government inform Council of (a) the number of applications for telephones in Mombasa made from 1st January, 1946, up to 30th September, 1947, and (b) the number of applications for telephone extensions?

2. Will Government inform Council of the number of allocations granted in respect of (a) and (b) of 1?

Mr. THORNLEY: I will, with the hon. member's permission, answer these two questions together:—

No. 69

(a) During the period 1st January, 1946, to 30th September, 1947, 353 applications for direct exchange lines in Mombasa were received, and 222 lines were installed.

(b) During the same period, 254 applications for telephone extensions in Nairobi were received and 453 were installed.

No. 70

(a) During the period 1st January, 1946, to 30th September, 1947, 355 applications for direct exchange lines in Mombasa were received, and 222 lines were installed.

(b) During the same period, 97 applications for telephone extensions in Mombasa were received and 46 were installed.

No. 71—NATIVE LEASEHOLD AREAS

Mr. MATHU:

Will Government please say why they have not yet implemented the recommendation of the Kenya Land Commission made 15 years ago in regard to the establishment of the native leasehold areas?

Mr. WYN HARRIS: Yes, sir. One of the three areas recommended by the Land Commission to become native leasehold areas was established by law in the Crown Lands (Amendment) Ordinance, 1938, and its boundaries were described in the Sixth Schedule to that Ordinance as amended by Government Notice No. 637 of 20th July, 1941.

This area is mainly used by Somalis as recommended by the Commission in the note at the foot of paragraph 815 of the report.

One of the remaining areas, situate in the centre of the Yatta Plateau and surrounded on all sides by native reserves, was found on closer investigation to be more suitable for use as tribal land than for the purpose designated by the Commission. With the approval of the Secretary of State, this area was in 1937 included in the Kitui temporary Native Reserve, the boundaries of which were established by the Fifth Schedule to the Crown Lands (Amendment) Ordinance, 1938.

The establishment of the third area as a native leasehold area was dependent on a satisfactory arrangement being reached with the Masai tribe. As negotiations were unsuccessful the land remains part of the Masai Native Land Unit.

No. 80—PROVINCIAL AND DISTRICT BOUNDARIES

Mr. HOPKINS:

Will Government please state why it rejected the unanimous recommendation of the committee which was appointed to consider the advisability of effecting alterations in the provincial and district boundaries in the Rift Valley and Central Provinces, which read as follows: "That the Laikipia and North Nyeri districts should be amalgamated in and to be part of the Rift Valley Province?"

Mr. THORNLEY: The recommendations of the committee appointed to report on the advisability of effecting certain altera-

[Mr. Thornley] in the provincial and district boundaries in the Rift Valley and Central Provinces were fully considered by Government and the majority of the recommendations were accepted. The proposal to amalgamate the Laikipia and North Nyeri Districts was not accepted owing to the grave administrative disadvantages of placing North Nyeri under a Provincial Commissioner at Nakuru, when communications between North Nyeri and Nyeri are infinitely shorter and incomparably better. While the advantages of the proposed amalgamation were fully appreciated Government is firmly of the opinion that from an administrative point-of-view the proposal could at present not be supported.

Mr. HOPKINS: Arising out of the reply, may it be presumed that when the communications have been brought up to a reasonable standard, Government's main objection to the implementation of this recommendation will have been removed?

Mr. THORNLEY: No doubt Government will be prepared to reconsider the matter in such an eventuality.

**TAXATION INQUIRY COMMITTEE.
KENYA, 1947****IMPLEMENTATION OF PRINCIPLES**

The debate was continued.

Mr. MUNDY: Mr. President, I wish to add my tribute to those which have been paid to the committee, and particularly to Mr. Plewman. As a taxation man I can fully realize the difficult task which faced them, and during the two days in which I gave evidence before them I deeply appreciated their tact, patience and courtesy. While I must say that the report does not come up to my expectations, I think that my best contribution to the debate will be a straightforward criticism from my point of view—and that does not mean that I do not believe that this report will prove to be a most valuable document in the years to come. I am indeed grateful to the hon. Economic and Commercial Adviser for the lucid explanation which he gave of the wide intention behind the report, and it is mainly in relation to taxation, and not the intention behind the report, that I wish to speak to-day. I also wish particularly to refer to what is not in the report, as well as what is in it.

Looking at it from my point of view, I think that on a broad summary the report does generally support the policy which Government has followed in recent years. It recognizes that Government has been unable to say what is the true incidence of our taxation; it endorses the principle of surpluses in times of prosperity; it in fact approves the present ratio of direct and indirect taxation; and, perhaps more important, it also states that the basic structure of our direct taxation pattern is not subject to any serious criticism. I feel that, taking that in conjunction with the actual constitution of the committee, this report may well settle once and for all many of these contentious taxation problems which have taken up so much time in this Council in the last few years; and so I wish to support this motion, but with at least the same measure of caution and reserve as other hon. members have shown.

Turning to the report, the first and most important paragraph from my point of view is paragraph 109, which deals with direct and indirect taxation. As I have already indicated, I regard this as one of the most important matters in relation to taxation in this Colony. It played the most important part in the long budget debate of last year, and I must confess great disappointment that this most important question has been dismissed in one brief paragraph in this report. After making a brief examination of the estimated division of the customs and excise between certain racial groups, the report just says that, based on the members' own peculiar knowledge of local conditions, the present ratio of about one and three-quarters or two to one is quite all right. If you turn to Appendix B, where the totals of direct and indirect taxation over the last ten or eleven years is shown, it will be seen that up to 1945 the two taxes were roughly equal. It was only in 1946 that the figures approached the ratio which is recommended by the committee, and it is well known that the increase in indirect taxation in that year was occasioned by a rush of imports.

It is obvious, I think, that in years to come a spate of imports, or the discovery of some particularly rich mine or other source of income, would throw out the yield of indirect and direct taxation im-

(Mr. Mundy) mediate, and what was wanted was not a question of the yield of taxation, but the incidence of these two taxes and the relation they bear to each other. I think it is indisputable that, unless we have a correct mixture of direct and indirect taxation, the incidence of taxation over all income groups cannot be just and equitable. It is my view, which I still adhere to, that on this very important subject the only way a real solution will be obtained is by expert investigation, carried out over a long period of years, and I still strongly advocate it.

The next item is the farmers' case for allowing the cost of piping, fencing, the cost of dips and so on to be charged in the year in which the expenditure is incurred—paragraph 130. This question has already been fully considered in the long discussions and negotiations which took place before the recent amended income tax legislation was brought in, and the reason why the law now allows expenditure of this kind to be written off over a period of years, instead of in the year in which it is incurred, is because it is to the advantage of the farmer in practically every case to do that. It is also the right way to do it, and I am sure the majority of farmers who really understand the effect of the existing law would support me in what I say on that point. If this recommendation is at all sound, it follows that it would apply not only to this particular expenditure, but to all sorts of other capital expenditure which farmers have to incur, and I cannot help feeling that the committee were unduly influenced by some special case in which it might have been thought that this alternative method of doing it might be the better one.

Then there is the question of income received in the colony from outside—paragraph 131. The committee recommend special exemptions and treatment. In order, as they say, to encourage capital or income to be imported into the country. There is no question that the only sound solution to a problem of this kind is that we ought to tax in this country the income of residents from all sources, whether inside the colony or out, and if that were done there would then be no difficulty as regards the importation of capital or in-

come. The amount of the income tax would in no way be affected, and when the time comes when I hope we shall have effected double taxation agreements with all parts of the world, that will be the obvious and proper thing to do. It would mean that the colony would then receive its proper share of taxation from the millionaire who, to-day, only pays to this colony the comparatively small amount of income tax which he is charged on the income he happens to bring into the colony.

At the moment a new double taxation agreement with the United Kingdom is under consideration, and if that agreement were brought in it would provide that where income has paid tax in the United Kingdom at a higher rate than the tax charged in Kenya, no tax whatever would be charged here. That would also get over the difficulty which people face at the present time, of having to make repayment claims to the United Kingdom authorities and frequently waiting several years before they get their money back. I would not go any further into detail on this point, because I think the proper time would be when these double taxation agreements are coming up for consideration.

There is, however, one thing which did occur to me in connexion with these recommendations, and that is that, while the committee have undoubtedly gone very closely into the question of income coming into the colony, there is not a word in this report on the much more important question of the vast amount of profits which have been made in this colony in recent years and which have gone out of the colony.

Then evasion, in paragraph 134. I am very grateful indeed that the committee have in effect confirmed that this is purely a question of staff, but I must say when I read the recommendation it shocked me. The hon. Member for Nairobi South has already said that I have taken every possible step to get staff, and from practically every possible source. All that the report recommends is that all possible steps should be taken and that special efforts should be made. I do not know what else has been done in the last five years but take every possible step and make every special effort. I am tempted to say that about the only thing which I think the com-

(Mr. Mundy) mittee could have done—would have been to recommend a direction of labour, under which anybody who was capable of working income tax assessments could be directed to work in my office—and, incidentally, on the salaries which are paid to my staff! (Laughter.)

Linked with that is paragraph 135, which is again a matter of staff, but I have rather noticed the words "the need for greater co-ordination of administrative effort". That, sir, really means that we want more staff to co-relate our action, and I should like just to say that I have a vast pile of information which, when I get time to examine it, will be fully co-ordinated and connected up with individual income tax returns, which the staff, when they come along, will be able to handle and, I hope, provide a very fruitful result.

Then paragraph 136—the question of giving publicity in the settlement of what I call the fraud cases. The method under which fraud cases are settled, over the table at it were, for cash, has been in existence at least 100 years in the United Kingdom, and I do not think that any one who has not had a long experience of those settlements and fully realizes the repercussions and implications of a proposal of this kind, is really qualified to judge whether publicity is the right thing. I can assure hon. members that both I and my investigating accountant, who has had some little experience in this matter, would judge this recommendation to be utterly bad, and I strongly oppose its adoption.

Paragraph 122—arrears of income tax. Here again the committee say that we must get rid of these arrears and, if it cannot be done by ordinary methods, then it should be effected by some special procedure, and there is a long recommendation which presumably is the special procedure. Now I should like to explain the existing legal position.

Under section 55 of the Ordinance the Commissioner is empowered to accept a return and make an assessment, and if no appeal is lodged within 30 days, then the assessment becomes final, but if the Commissioner is not satisfied that the taxpayer has been fully charged, or that there has been fraud or evasion, he may make a further assessment. The only difference between the

existing legal position and this recommendation is, firstly, that under the recommendation the assessment would not become final for six months, as against one month at present; and, secondly, there would be a legislative enactment of some kind which would force the Commissioner to get the work up to date. I am afraid all the law in the world will not provide the necessary staff to do the work. But that is not the end of the matter, because when we talk of special procedure I should like to read an extract from a secret directive which I issued to my staff. It is as follows: "I have had under further consideration the present very substantial arrears of assessment work throughout the department. While in normal times it is improbable that any serious loss of revenue would arise, the present war situation cannot be regarded as being unlikely to affect East Africa generally and in the event of a serious emergency, considerable difficulties would arise immediately in the collection of outstanding taxes. I have, therefore, come to the conclusion that it is essential for steps to be taken to bring the assessment work more nearly up to date without delay. Owing to the present staff position there is only one way in which this can be done and that is, by accepting, in nearly every case, the amount of income returned by the taxpayer and raising assessments forthwith on that basis. The difficulty which you will experience will be in the exercise of your discretion as to how far income tax returns are to be accepted without question. The answer is that you must make up your mind to take bold measures; where there is no reason to doubt a return, it is to be accepted and the assessment made immediately."

I think hon. members will recognize a similarity between that directive and the recommendation of this committee, but there is one very sharp distinction—the date of this directive is the 27th day of April, 1942. This is a secret memorandum and, in view of the fact that I feel that at least in the neck of the cat is out of the bag with the publication of this recommendation, I felt I should, in order to dispose of this question effectively, read these extracts from this directive. But I should like to assure any dishonest people who might, in the knowledge of this memorandum, think there was now a better opportunity of getting

[Mr. Mundy]

away with a false income tax return, that there are several other paragraphs in this directive which I do not now propose to read! (Laughter.)

The hon. Member for Nairobi South asked me whether in cases where no income tax returns have been made I make an estimated assessment and, as he put it, put the boot on the other leg and place the onus on the taxpayer of proving that that assessment was wrong. The answer to that, of course, is that the boot is always on the right leg, as it usually is on income tax matters, because the onus is always on the taxpayer to prove that the assessment is excessive. Once again, in the hope that I may dispose of this question once and for all, I will just read a brief extract from another minute which I addressed to my staff—that is The Regional Commissioner for Kenya here—dated the 5th May this year, in regard to people who had not made their income tax returns. I said: "The time has passed for reminders. Put in estimated assessments in good round figures. They can be dealt with at great pace." And again on 20th October, 1947: "Are estimated assessments being turned out in large numbers in cases where no returns are received?"

I have taken up quite a bit of the time of Council on these two points, because I think I must deal with them effectively and satisfy people that everything possible that should be done has been done.

Finally, the question of income tax itself.

First of all, the Government will not give any assurance during the debate on this motion regarding the date on which any appropriate relief from income tax will take effect. It is a question which will be dealt with by my hon. friend the Financial Secretary during the budget debate, and I hope that hon. members will appreciate that there are many factors to consider, not the least important of which is the amount of the relief, and I sincerely hope that they will, in the light of what I shall say later, not consider it necessary to make any demands.

Before I deal with paragraph 108—and that is the only one left to me—I should like to say how grateful I am personally both to the hon. Chief Native Commissioner and the hon. Deputy

Chief Secretary for their honest expressions of opinion yesterday regarding this question of reduction in taxation, I am quite satisfied that there was no strange coincidence that the views of my hon. friend on my right (the Chief Native Commissioner) happened; as it was put, to coincide with those of Government, and I think he was wrong in saying that he thought he was in a minority. My own experience, and the discussions I have had with many, many people in this colony, is that they are really of the same mind as he is, and I would add quite definitely and I personally entirely agree with him.

To turn to paragraph 108 itself. This is the main paragraph in which it is stated that the opinion of the committee is that the present level of taxation is still too high and that it should be related more to the prosperity level. First of all, it seems to me that that opinion is based on something of a false premise. It says: "War-time taxation has in it a commendable element of sacrifice"; and that the present structure is still as it was designed during the war years. I had quite a lot to do with the designing of that structure, and I can assure hon. members that when we designed the existing structure in 1942 we did take very much into account the fact that this colony was still not fully recovered from the disastrous slump of 1930–1931, and, secondly, we fully recognized that in that period, when prices were rising rapidly, we had got to leave in the hands of the taxpayer, and particularly the producer, enough money, and more than enough money, to enable him to carry on. And I emphasize the fact that the existing structure of taxation is not a war-time structure with a big element of sacrifice in it at all, but a structure particularly designed to the particular needs of this colony.

Further, if the present income tax statistics had been available say in 1944, when we did consider the question as to whether we should increase taxation, I think those statistics would have fully justified increased taxation at that time, and, if we had come back to the existing level to-day most people would have been delighted.

Paragraph 108 is linked with paragraph 123 onwards, where the income tax statistics are dealt with. These statistics

[Mr. Mundy]

are for the years of assessment 1937 and 1944. They are based on incomes of 1936 and 1943, but I shall for convenience sake refer to them as 1937 and 1944. In paragraph 124 there is set out a most important table which shows the average incomes of people, and I will take as an example Europeans with incomes under £2,000 a year, for which the table shows that their average income in 1937 was £640, and in 1944 £644. But that figure of £644 is reduced on a purchasing power basis to about £373. In paragraph 127 there is set out a table of the amount of tax payable on various amounts of income. In paragraph 128 the committee say: "Prosperity levels admittedly rose after 1943, but even so the figures just quoted are revealing and confirm our view that a sufficient measure of relief from the present level of income tax is now essential". The "figures just quoted" were, I think, taken by the hon. Member for Nairobi South as the figures in paragraph 127. That is the amount of tax payable on various amounts of income, and I do not know whether I am right—or wrong—and neither does it matter—but I cannot help feeling that the table setting out the amounts of the tax which were in fact published as long ago as 1942 cannot really become very revealing at the present time. It seems to me that of all the figures quoted the most important are those in the table in paragraph 124, to which I referred earlier, and if it is a fact that Europeans with incomes under £2,000 a year had an average income of £640 in 1937 which has, in fact, fallen to £373 in 1944, there of course is a first-class case for a reduction in income tax.

But it is here that I feel the committee have gone a little bit astray, because although the opening words of that paragraph say that "it is necessary to remember that the level at which incomes become taxable varied between those two years", they have overlooked the fact that those averages first of all include the incomes of all limited companies. That is, the big United Kingdom companies, all sorts of companies which have many shareholders are included, and that destroys the value of the averages immediately. Secondly, in spite of the fact that they realize there has been a change in the exemption limits,

the 1937 figures contain no particulars of incomes under £350 a year, whereas those in 1944 deal with incomes of £200 and upwards, so that the comparison is really quite misleading, and I think I should correct it.

In the short time available since the report was published I have endeavoured to extract some figures which are most revealing. In Appendix O hon. members will see that in 1937 there were 88 people who had incomes of over £2,000 a year, and in 1944 there were no less than 399 people enjoying incomes of that size, over four times as many. I have endeavoured to extract from those 399 cases particulars of the actual incomes for 1937 and the actual incomes for 1944. I was able to get out 288 cases. Those 288 cases had an average income of £1,058 in 1937, and those identical people had an average income of £3,308 in 1944. That is, their incomes on an average had trebled. That is exactly consistent with what I have said to this Council at other times.

If I deduct from that £3,300 the existing rate of income tax I get a figure of £2,650, and if I then further depreciate it to the present purchasing power of money it comes down to just under £1,600. So that (what we really find from these facts is that those people who had an average income of £1,050 before the war had a tax-free and restored purchasing power income of £1,600 in 1944. Those figures are most revealing, and in my opinion they reveal an absolute case not for a reduction in income tax but a case for an increase in income tax, especially if we are to take into account that you cannot expect to-day to increase the standard of living by that proportion. That alone would be strong enough for increased income tax, even if it were not also supported by quite a number of other things which I can take easily from this report.

The committee recommend budgeting for a surplus in times of prosperity. Are we not going through a time of prosperity? We must recognize the possible perils? We must recognize the need for increased taxation to reduce the need for purchasing power on a short pressure of consumer goods. There is no supply of income in this report at all of any hard evidence in this report at all of any hardship created by this taxation. Neither are there any statistics to show a reduction should be made.

[Mr. Mundy]

Finally, there is nothing but an expression of opinion, there are no facts at all to show that the present level of taxation is in any way discouraging development or hampering the growth of national prosperity. I do not think that anyone would suggest that the little reference at the back of the book to the fact that a military stores department might come here and bring prosperity would be any reason whatever for us expecting a reduction in our income tax. In fact, taken altogether once again there is nothing to support a reduction in income tax on any real economic or financial grounds. There is nothing here either which helps that case which hon. members opposite put forward last year. In fact, I agree that the hon. Member for Nairobi South very wisely refrained from saying "We told you so", although I did notice the way the words drifted down from the north. (Laughter.) I should, in fact, have been very pleased to join in the chorus!

There remains the view that I have held for some time, and that is that it may well be a wise policy that, in spite of everything against it, that especially looking back over our taxation history and remembering the burden which the income tax payer has in fact borne, there should be some reduction in taxation which, I hope, will be fully appreciated and which will help the lower income groups, and especially those people who are still struggling on a pre-war income. I want to make it abundantly clear that it is on these grounds, and on these grounds alone, that I could support a reduction in the income tax. But Government's action in accepting this motion is not in my view a sign of weakness, nor is it due to any pressure on the hon. Financial Secretary. In the rapidly changing conditions of this colony in which hon. members will have a greater share of responsibility, I regard it as a bold and courageous example of good government.

SIR A. VINCENT: Mr. President, as the words of the last speaker are fresh in my mind I should like to reply to him first. I have never felt a greater sympathy for anyone as I did for the last speaker in the position in which he finds himself. Before, he has always been most convincing and most logical,

but I am afraid that although he ended up on the right note, most of it was unconvincing, and I know he will take what I am saying in good part.

He referred to the fact that the committee in paragraph 109 stated nothing definite and only dealt in general terms; but how could the committee be more definite when they did not know the amount of income tax which should really be collected, and how could the committee base a recommendation on the present abnormal circumstances? That is the answer to that one surely. I was very interested to hear that there is an agreement being negotiated with Great Britain over the question of double taxation, but before we get that one out of the bag we would have to know the terms, because these agreements, like most things connected with income tax, are usually so involved that when one thinks they will get a remission they actually have to pay more as a result!

I am going to make a suggestion as to how the hon. member can help his staff, and I think it is a suggestion which even the hon. Financial Secretary, with all his great care of the money of this Government, should consider. The hon. Commissioner has from time to time come before the Standing Finance Committee and said that he was losing his staff, and that the staff he had lost ran into a very high percentage. It seems to me that we are losing the income tax staff because their rates of remuneration are too low. The Commissioner has applied time and again to have the rates more attractive, but Government have always refused any greater increase because of repercussions. Why not make the Income Tax Department a special department, and pick out the bright boys among the clerks of Government and make it understood that this is a special department and that there is a future in the department? While we continue to pay so little for this specialized work, we are bound to lose many members of the staff.

I have one definite quarrel with the hon. Commissioner over his speech. He stated that one of the recommendations of the Plewman Committee was his policy in 1942 and was the subject of a secret directive in 1942, but knowing Government departments I should think it was forgotten by the beginning of

SIR A. VINCENT] and I should imagine that that is one of the reasons why assessments are so much in arrear, because unless you jot a Government official's memory with "reminders" very rarely anything gets done.

On the question of appropriate relief, all I can say is that this hedging is deplorable. I am not a bit angry about it, because I rather expected it. But why are Government so boneheaded, to use the kindest possible term, and why those who advise His Excellency the Governor do not use that grey matter (which they do not use that grey matter to and which they use when they want to and which they do clearly possess) and advise him not at this juncture to say "We will redeem a promise which we made last year, that the relief in income tax was to take the relief on payments made in 1947"? It places on payments decisions to try and irritate public opinion, to try and be the "grand big man", which brings some members of the Administration into contempt, and there is no earthly reason why that statement cannot be made to-day. It may please the hon. Financial Secretary to get up and make an announcement in the budget debate later which should have been made in this debate, but such tactics are not helpful.

There is another thing which I notice in the hon. Commissioner's speech. The figures in the Plewman report are certainly 1944 figures, but I notice in Government departments that when they were to prove a case they always produce later figures, which the hon. Commissioner did this morning. Why were not those figures produced to the Plewman Committee? Also those gentlemen he referred to, who now have an income of presumably £1,000 a year or £2,000 instead of £500, may not be the same people at all referred to in the report. In their entirety in fact they cannot be, because one number is greater than the other!

I do not want to extend my remarks in regard to the hon. member's speech, but what does so amuse me is that he is able to get up in this Council and to criticize the Plewman report, when he himself is perfectly aware that, because of the statistical portion of his department was cut out some years ago, the figures he could furnish the Plewman Com-

mittee with were entirely inadequate for them to make a detailed recommendation.

Now, I am going to speak very plainly this morning. First of all, I should like to thank the hon. member Mr. Patel for seconding the motion. He did, however, get me wrong on one point. That was, he stated, or rather assumed, I was suggesting that income tax be abolished. I did not mean to give that impression at all, and did not do so. What I did say, and I take great pleasure in repeating it every time I can on the floor of the Council, is that any tax which is incapable of competent collection is a bad tax, and that is income tax at the present time.

I am going to refer only to the speech of the hon. Financial Secretary in one little particular at the moment, and that is, I was very surprised to hear him refer, he must have done it in a hurry, to the amount of capital in the banks to-day, "deposits" as compared to previous years. I believe that even the Financial Secretary will agree that if you cannot buy stocks you do not keep your money in the office but put it in the bank, and that is the logical reason for the amount of deposits in the banks to-day.

The hon. member Mr. Mathu was, I am quite certain, completely mistaken in his interpretation of the report as being deliberately written against the African. As I said when I introduced the motion, I am certain, absolutely certain, that that report was impartial and completely unprejudiced. If, however, and I am sorry to have to say it, if, however, the African political situation at the moment required it of him, all I can say is that I am dreadfully sorry.

I loved the speech of the hon. Chief Native Commissioner. I think that he was bursting to use words which he should not use in this Council, and I have the greatest admiration for his restraint. When he barked up with him, but when he barked up the tree of income tax I entirely disagreed with him. But there is one point, this morning, going to be brutally frank either the hon. that any thought that either the hon. Chief Native Commissioner or the hon. Deputy Chief Secretary were giving voice to the suppressed views of Government is quite mistaken, because I must make it quite plain, because I must be fair. Both of these gentlemen hold

[Sir A. Vincent]

contrary views to my own, and before the Plewman report was tabled, in a meeting at which I was present they both gave the strongest indications that they thought I was completely unfair and that their views were right. However, I shall no doubt prove to them this morning that they are entirely mistaken.

Now, the hon. Member for the Coast. (Laughter.) He endowed me, in his good-humoured remarks, which I understand were taken quite seriously by some people, with supernatural powers. It is alleged, and he will correct me if I am wrong, that he is of Irish descent. On the other side of Council the man who I am supposed to have browbeaten I believe is also of Irish descent, in the person of the hon. Financial Secretary. Now, sir, the Member for the Coast must know how impossible it is to persuade any Irishman to do anything that he does not want to do. (Mr. Cooke: Hear, hear.) (Laughter.) I would recall to the memories of those who study Irish literature—though I do not know who wrote this, perhaps Burke or Belcher—these lines:

Though the Irish but little logic possess

They wrangle from morning to night.

When all is done and their tongues do rest

They cannot resist that which is right. That characteristic, which doubtless compensates for the lack of logic in the Irish, certainly influenced the hon. Financial Secretary on the other side of the Council. Not that I would attempt to support the writer of those few words, that every Irishman will give way to what is right, because some Irishmen do make a "boonance", but members will observe that, in conformity with the ancient words of wisdom which I have just read, the Financial Secretary gave his own reasons why he thought income tax should be reduced because, being an Irishman, he would not accept ours!

To come to a more serious note. The hon. Deputy Chief Secretary asked me specifically, I really cannot understand why—I have read what I said in the debate—to explain my attitude towards paragraph 142. I referred to this para-

graph as a "most distressing incident of the Administration". I read the paragraph with the qualification which it contained: "they would probably be unwilling to estimate highly in comparison with the previous years". I read this as an intention of the committee to draw attention to the temptation which arose from the present system, and did not in any way mean that individual members of the Administration had succumbed to that temptation. If I thought that was so, I should have said so, I accepted, and I do accept, the explanation given by the hon. Chief Native Commissioner, and I am quite certain members here do; but I must say that the paragraph to me made it clear, as the hon. Chief Native Commissioner has admitted, that evasion had taken place on a considerable scale, that the present system was inefficient, and had great weaknesses, and that is all I read into paragraph 142. Indeed, hon. members will recollect that the hon. Member for Aberdare was the first member of Council to defend the Administration on this point.

I am very sorry to say that this Cox and Box business of members on the other side having a "free for all", as the paper said, does not quite work. It does not work because even though the Deputy Chief Secretary, and in a lesser degree the Chief Native Commissioner, stated emphatically twice that they were giving their own personal views, after all they are both members of Executive Council, an Executive Council decides Government policy, except for those members who have the right to dissent. Therefore, I must strike a very serious note, because I consider that the hon. Deputy Chief Secretary's speech yesterday could quite easily, and will no doubt, be interpreted by implication as a very grave charge against the people of this country. (Mr. Cooke: No, no.)

Mr. THORLEY: On a point of personal explanation, I must make it quite clear that I had no intention whatsoever of making any charge against the people of this country, and I am surprised that my remarks could possibly have been so interpreted; I was very well placed, indeed, in London during the war to know what a splendid effort these very same people made here in that particular emergency. The sole purpose of my speech yesterday was to indicate my

Mr. Thornley) that an emergency possibly every bit as grave was facing the country at this time, and to put forward for consideration by the hon. members opposite and by the country between now and the time of the budget debate the particular suggestion that there was a case for the maintenance of taxation at its present level.

The debate was adjourned.

(Council adjourned at 11 a.m. and resumed at 11.15 a.m.)

SUSPENSION OF STANDING RULES AND ORDERS

Mr. PRITAM: Mr. President, with your leave I move that Standing Rules and Orders be suspended to enable a question of urgent public importance to be asked.

Mr. PATEL seconded.

The question was put and carried.

Standing Rules and Orders were suspended.

ALLEGED STORING OF WEAPONS BY INDIANS

Mr. PRITAM: Mr. President, I beg leave to ask the following question:

Is Government aware of the fact that it is widely alleged that members of certain sections of the Indian community in the colony have been for some time past, and still are, storing dangerous weapons for use in the event of communal disturbances arising here?

ATTORNEY GENERAL (Mr. Foster Sison): Mr. President, the answer to that question, sir, is in the affirmative, and I am glad to have this opportunity of stating publicly that any persons who are in possession of unlicensed dangerous weapons should at once hand them over to the Officer in Charge of the nearest police station.

I would also like to draw attention to His Excellency's statement at the opening of the present Session of this Council during the course of which he said that "the forces of the Government would have no hesitation whatever in using the weapons with which they have been armed for the purpose of maintaining order and protecting life and property in every case in which it is necessary to

do so". The Government has not the slightest intention of allowing the distressing communal disturbances in India to be repeated here.

In order to remove any possible doubt on the matter, sir, I propose to publish a statement on it in the Press.

Standing Rules and Orders were resumed.

TAXATION INQUIRY COMMITTEE—KENYA, 1947

IMPLEMENTATION OF PRINCIPLES

The debate was resumed.

SIR ALFRED VINCENT (continuing): Mr. President, hon. members of Council will no doubt be aware that I am only too happy to accept the statement made by the hon. Deputy Chief Secretary. The trouble is that the interpretation which is put upon the words of senior officials, even when they are expressing their own views in this Council, is not always that which was intended, and I should like just to recount a little story here and now, because I think, it is essential to bring home to members of this Council how one can allow sentiment to destroy their better judgment.

There was an elder of the Scotch Church of this town who used to live next to me. He was a very respectable member of the church because they often allowed him to "lift" the collection. One Sunday after he had returned from church I met him and upbraided him for some very questionable transaction which I considered he had been engaged in during the week connected with a friend of mine. He said, "well, when you get an old man like me you just learn never to let your religion interfere with your business". (Laughter.)

I claim that that was his way of pointing out to me the dangers of allowing one's sentiment to warp one's better judgment, and I claim that I have the same right—not that I do not generally take it off—having a free-for-all on this side of Council. I am going to accuse Government of being two-faced and already been used on that side of Council. This policy of Government—heads I win, tails you lose—has got to cease if we are going to have any respect for the Government. We are now told that a depression is ahead, "we want

[Sir A. Vincent] revenue and therefore the taxes cannot be reduced", and that appears from the Commissioner of Inland Revenue this morning to be the views of a large number of people he knows. I, apparently, do not know the same large number of people he knows. On the other hand, Government will say that a boom is round the corner—"budget for surplus, we cannot reduce taxation", so whichever way the world trends go we are just caught in a cleft stick, and that is all the more reason why we should get down to a proper adjustment of tax rates to-day.

He did refer—and I am so sorry he did so—to the Colonial Development and Welfare Vote or money coming from England. I am tired of hearing about this. These grants came just 30 years too late (hear, hear), and we may never have received them but for the pressure of opinion of nations of other great nations, and that has been confirmed by Sir Stafford Cripps in an eloquent confession the other day in a speech, when he said "Our colonies which had not been developed properly owing, I am afraid, to our neglect in the past". (Mr. COOKE: What about the Uganda Railway?) That was done for the convenience of the British Government, what has Kenya done in the last 30 years? I will put it very concisely: Kenya has carried this country and the whole army of officials, she has paid them and is still paying their pensions, with practically no outside help at all, and all they have received in return, to a very great extent, is political abuse. (Applause.) (OFFICIAL MEMBERS: Shame!) It is a great shame that we should have so suffered!

The hon. member referred to paragraph 33: "Lastly, in time of war the State is unquestionably entitled to demand as of right any sacrifice from the community and almost nothing is too precious to be offered up in the national cause. Even wasteful use of the country's resources may be prudent provided always that the sacrifice is ended when the national emergency has passed and that a policy of restoration is then pursued". But in his speech the hon. Deputy Chief Secretary rather forgot the non-existence—or the existence, as he would like to put it—of such a thing as the

equality of sacrifice, and where he made his great mistake and committed his great error. I think was in this, that he was completely illogical. He associated England's present condition with an injustice which is being perpetuated in this country, and the two things have no connexion whatsoever. It is just as fair and logical for me to say—and I will put this in as nice a way as I can—that I had just as much right, if I held the same opinions as those expressed by the hon. gentleman opposite, to suggest to Government to-day that the Salaries Commission which is sitting in this country should be sent home without reporting, because the inference is that it does not matter about the unofficial under-dog; it does matter about the official—"you can keep your taxation up, but we have got to have our salaries put up". That is the answer, but I would not make such a suggestion because it would be most unfair to the decent members of the Government service in this country.

The hon. member also suggested that we must keep our house in order. I submit to him that before we keep our house in order we must put our house in order, and our house will not be in order if conditions go on as they are to-day. Government have evaded this question far too long to my mind, and it is evident that they have taken advantage of the loyalty of this community and of the sacrifices which this community has always been only too willing to make. The hon. member knows as well as I do, and as well as every other member of this Council, that we have one of the most loyal communities in the British Empire in this country. He suggests that we should agree to the perpetuation of an injustice and so be able, with all justification, to hold our heads high. I ask you! What part of the British Empire, if not Kenya, is entitled to hold her head high on past performance?

I have sympathy with the views—the very sincere views—expressed by the hon. Deputy Chief Secretary and the hon. Chief Native Commissioner, and I should be lacking in courtesy if I did not assist them, and I am certain that they will not take it as offensive when I suggest a method by which their desires can be fulfilled. They appear to me to have two consuming desires: one is to help the British Empire, or Great Britain, at the present time; but to do it they want

[Sir A. Vincent] the perpetuation of an injustice. I suggest to them that when we get this reduction in income tax, which we are going to get—and from the beginning of this year—I suggest that any reduction to which they are entitled they should pay to the Commissioner of Income Tax, if he is legally entitled to accept it; and, if not, to the Accountant General who I am certain will be only too willing to accept it. And I say also to those who applauded so loudly the views of the hon. Chief Native Commissioner, that they have the power to do the same—but perhaps all those who applauded do not pay income tax! Anyway, those who advocate no reduction in income tax have the remedy in their own hands.

The late Lord Keynes was quoted yesterday by the Hon. Economic and Commercial Adviser, whose speech—I am sorry he is not here—I considered was one of the best I have listened to in this Council, and whose services I am very glad to have had to be utilized on all sorts of different committees. He referred to the quotation by Lord Keynes: Lord Keynes always stated that his greatest difficulty in advising any Government of the day was that the immediate result of a short-term policy, while suiting the political tactics of the Government of the day, was often totally against the interests of the nation as a long-term policy. You will observe, however, that in this report the Plewman Committee has set the course for a long-term policy in the principles they enunciate, because they are advising a Government not influenced by party politics. They therefore suggest that we should face the situation now, that we should encourage the importation of capital into this country by a reasonable level of taxation. I entirely agree with my hon. friend the Economic Adviser, and to my mind the statement which was made here—that there was sufficient capital in this country shows what a narrow vision the Government has of real finance and the requirements of the country.

I cannot but emphasize how deplorable it is, though perhaps necessary, that this somewhat acrimonious phase has entered into this debate at the last moment. I can only say to the Government representatives, whether they speak for themselves or not, that it would help the good

relationships between officials and unofficials, and the Government and the people of this country, if, when making speeches, insinuations or implications are made that the loyal community of this country is unable, or unwilling rather, to bear their burden, such insinuations will be greatly resented, and it can only be regarded as a most despicable statement. Of course, we want to help Britain, but not to ruin Kenya in the process, and not at the cost of unnecessary misery here and the infliction of crazy controls all to no purpose just to please His Master's Voice in London. In fact, we want to render real help, and I emphasize real help, and not to render ineffective lip service, merely to be the blue-eyed boys of Downing Street. What we want—I will state it very briefly—now is a fair peace-time adjustment of taxation and the goodwill of all communities, and although Government fully realize that we will play our part in any case; as we have always done, I appeal to them not to take advantage of that fact, because if they did it would be cowardly indeed.

As the hon. Member for Ukamba said yesterday, get on with the collection of overdue taxes, and to that I would add—"and not take the easy way; pick up that million as yet uncollected and put that to your reserves". That is the way to build up your reserves. We do not want relief for riotous living; we want relief in order to allow us to develop this country and be independent.

Now from what has been said on the other side of Council it appears that they are still foxing, if people will forgive me for using that expression, but I want to assure Government that we regard them as having given an implicit pledge to give relief in income tax from 1st January, 1947, payable on the 1946 assessment.

Finally, sir, let us get matters in the right perspective; let us be realistic; let us discard sickly sentiment, because ideologies are wrecking the world to-day, and are the greatest danger the British Empire has to face and is facing. Let us be fair to official and unofficial, and get on with the task before us, and make and keep Kenya a strong, progressive, alert colony of the British Empire and worthy of it. (Applause.)

The question was put and carried, the hon. African members voting against.

COFFEE (MARKETING)
ORDINANCE, 1946

APPLICATION OF SECTION 18

MR. NICOL: Mr. President, I beg to move: That this Council considers that the whole of section 18 of the Coffee (Marketing) Ordinance, 1946, should be applied forthwith.

On 24th July of this year, I gave notice of that motion, and at the express request of the hon. Member for Agriculture I did not press that it be taken when Council was sitting at that time, but agreed that it should stand over until this session to enable him to go into the matter further. Well, I am afraid that I must express, first of all, disappointment that the hon. member has not been able either by administrative action or amending legislation to bring this Ordinance into line with what was understood by this Council at the time the bill passed its readings here. I am afraid that I shall therefore have to take up the time of the Council by going into past history.

The original bill was read a second time on 25th July, 1945, and I would like to quote from the speech of the hon. Director of Agriculture who moved the second reading. Before I quote from Hansard I must remind hon. members that at the time of the introduction of this measure there was a certain amount of apprehension as to what the intentions of the Coffee Marketing Board would be, and there were fears expressed that certain sections of the trade might, in fact, be put out of business. The hon. director on 25th July quoted from the report of the committee, which was really the father of the bill, and said this: "They (this committee) went on again in a later section to say—'The committee is unanimously of the opinion that the dealers in Nairobi and their connections with overseas markets are an asset to the producer which should be retained. The committee further considers that it is desirable that producer confidence in the Nairobi market should be established on a firmer footing than has been the case in the past. Dealer firms in Nairobi represent between them world-wide interests in coffee and it is considered of the greatest importance to the industry that these firms should receive the opportunity to bid for the bulk of the crop,

and that they should be given reasonable security that they will be given that opportunity year after year. There is reason to believe that, in the past, dealer firms have been discouraged from investing more in this market because of uncertainty as to what the producer was likely to do in future. There have, for many years, been rumours and suggestions that the producer would establish a single selling agency through which he will offer his coffee to the markets of the world and eliminate the local exporter. In order to establish the organization, which we recommend, on sound lines, it is desirable to remove dealer apprehension on this point."

The hon. Director continued: "I think those extracts which I have read make it quite clear that the views of the Marketing Committee were in regard to the way in which the trade should continue to be used, and I should like here to give a categorical assurance that it is the intention of those who asked for this bill that the board to be constituted should be guided in its policy and actions by the recommendations of this Marketing Committee set out in full in the Coffee Board Bulletin of January, 1944, and particularly that there should be full co-operation with the trade".

In the course of the debate I said this: "I think there ought to be something in this bill saying that the established channels of trade are going to be maintained." In winding up the debate, the hon. Director of Agriculture said this: "So far as I am aware, there is no intention—and it does not appear in the report of the board—of appointing any agents to act on its behalf; in fact, it specifically says that it should use all the existing trade channels".

What I want to do is to establish that the idea was always and that it was always understood by us that the trade channels in existence prior to the war would be maintained when coffee came on to a free market again at the expiration of the Ministry of Supply contract. On 8th August, 1941, the then Under-Secretary of State for the Colonies said this in the House of Commons—this is with reference to the committee to which I have already referred: "The primary consideration of the committee is to obtain a price for the crop which will maintain

[Mr. Nicol] production. Subject to this consideration it is the intention of the committee to preserve equity within the industry and to enable the various firms engaged in the handling of coffee to continue in operation and to preserve their status vis-à-vis their competitors. The marketing of the crop has therefore been organized so as to make use of existing trade interests, and any departure from this principle will be contemplated only where and to the extent that exigencies of the future render such a course unavoidable".

All these assurances go to show that the intention was to maintain existing channels of trade.

After the debate to which I have referred, the bill was sent to a select committee, and in that select committee we spent several hours in going over the various points of objection, and also in that select committee we were also assured that the main channels of trade existing prior to the war would be maintained and that there was no intention of appointing a sole selling agent concerning which considerable fears had been expressed. In order that we should be perfectly certain that it would not be possible for the trade to be by-passed in any way the committee put in sub-clause (4) of clause 18. That provided, and the intention behind it was, that if the board wished to appoint a sole selling agent they had to come to this Council for a resolution to be moved authorizing them to do it.

This is where I think there has, perhaps, been a genuine misunderstanding by the officers concerned, but I am perfectly clear in my mind on the subject, and all the evidence we have had goes to prove that I am right: I am quite certain that the hon. member Mr. Patel, who was also a member of the select committee, will bear me out. In the select committee I distinctly remember asking for an assurance that when clause 18 was applied—it could not be applied in 1946 because the contract was still running with the Ministry of Supply—then when clause 18 was applied it would not be applied piecemeal.

What has happened? It has been applied piecemeal. But only sub-sections (1) and (2) have been applied, which cuts off any question of having to come to

this Council for permission by resolution to appoint a sole selling agent. In the monthly bulletin of the Coffee Board of Kenya of May this year the following appears: "Brokers to the Coffee Marketing Board. The Coffee Marketing Board, at their meeting on 21st April, considered the tenders received in answer to their recent advertisement, and decided to accept that of Kenya Coffee Auctions, Eteo House, Nairobi. This firm, therefore, has been appointed sole brokers to the board for a period of five years, in respect of that quantity of the Kenya coffee crop to be sold on the free market in Nairobi".

It is no use arguing about the differentials between auctioneers, brokers, agents, or what have we. The point is the all-important question, the channels of trade which were the custom of the trade before the war. Before the war there were other auctioneers, and by this notice—and I should like to make it quite clear that as the law stands at the moment I am quite satisfied that they were probably within their rights—I am not accusing them of bad faith—it means that the other auctioneers will lose that type of business which they enjoyed before the war.

Now I am informed that there is possibly a drafting error in sub-section (4). I have not a copy of the select committee's report here unfortunately, but after the report had been adopted, as the bill had been so fundamentally altered all round, it was decided to withdraw it and republish it in that form, and in republishing the new bill occurred this wording of sub-section (4): "Where the board employs agents for the sale of coffee under the provisions of sub-section (3) of this section". I am almost certain that the words "of sub-section (3)" were omitted in the select committee's report, and in the 1945 drafting of this clause there is no mention of (3) at all; (4) was applied to the whole of section 18 in substitution of that.

On 7th November, 1945, the then Solicitor General, Mr. Brown, in moving the select committee's report, said this: "Coming to clause 18—which, when the contracts with the Ministry of Supply expire will, I suppose, be one of the most important provisions in the Ordinance—I can, I think, give my explanation of

[Mr. Nicol]—That clause best in summary form. I suggest that by that very phraseology Mr. Brown envisaged that the section would be applied as one, and not piecemeal, and he went on to say: "First, the board, in selling any coffee other than coffee for sale to the United Kingdom must sell on the Nairobi Coffee Exchange, and that sale will be by public auction on the Nairobi market, and it will be subject to the rules and regulations of the Nairobi Mild Coffee Trade Association. That, we understand, conforms with the pre-war practice when coffee planters sold their own coffee. If they sold it to the United Kingdom it was sold direct; if not, it was sold on the coffee market. Secondly, the board, whether they sell their coffee to the United Kingdom or elsewhere, must employ agents for the sale of that coffee. The only exception to that is that when they offer coffee for sale by public auction on the Nairobi market and it has been refused, they can sell that coffee without employing agents. The next thing is that in employing agents the board are required to pay due regard to the claims of all agents carrying on business in the colony. Finally, the sole selling agency, about which considerable apprehension was expressed, the board cannot appoint a sole selling agency to sell their coffee except upon a resolution of this Council, so that if there is ever any necessity for it the whole matter will be ventilated in public debate."

And if a sole broker is not a sole selling agent I should like to know what it is.

Then, as I say, the select committee reported and the original bill was withdrawn and a new bill was introduced into Legislative Council on 11th January, 1946. In concluding my speech on the second reading of that bill, I said, in quoting that particular section 18 (4), because some people were still under the apprehension that a sole selling agent was going to be appointed. "That, I think, should dispense of any fears that people may have that one agent and one agent only is going to be allowed to handle the crop." And that was not contradicted.

There was then, after I had given notice of this motion, a meeting between the representatives of the Coffee Board

and certain other people who had auctioneering businesses and myself. We met under the chairmanship of the hon. Attorney General, when he was Acting Governor. After discussing the matter very fully there it was suggested that I and Mrs. Silvester, then acting Member for Kiambu, should meet the Coffee Marketing Board. We duly met the Coffee Marketing Board, and I must say they were not a bit helpful. I did suggest that this being agreed legislation, it was essential that having got agreed legislation the spirit behind the debates and the intentions as expressed at the time the measure went through should be implemented.

After that meeting I again went and saw my hon. friend, who was still in the position of Acting Governor, and he suggested that I should write a letter to the member with a copy to him, and on 24th September I wrote to the member. On 26th September I had a slip which was dated 26th September, which is unsigned, giving me a formal acknowledgment. Here it is. On 17th October the member said he had never seen the letter. I would like to extend to him my deepest sympathy (laughter) in that such important matters as things like that should be withheld from him! I do not know if he took the matter up himself and put various ferrets into the Secretariat to rout out this letter, otherwise I do not know when it would have got to him, but I must say that if that is the way an hon. member of this Council is treated by the Government side, how are the poor unfortunate ordinary public treated? I must say that I take a very dim view of the fact that the member did not get this letter, and I am quite certain he takes a dim view of it. In view of the fact that he did assure me he was going to take it up, I am not blaming the member for not getting it, but I hope he will deal with somebody for not keeping him properly informed of what is going on.

I will read that letter, because I want to show that I have endeavoured to be helpful. I said:—

Coffee Marketing Board

Dear Sir,

I refer you to Coffee Marketing Board's letter to you No. S.376/43 of the 2nd September commenting on a discussion which the hon. Mrs. Silvester and

[Mr. Nicol] I had with the Coffee Marketing Board on August 29th.

At the outset I should say that the meeting was unsatisfactory and perhaps it is not unnatural that the Coffee Marketing Board have endeavoured to interpret the Coffee Marketing Ordinance, particularly section 18, to suit their ideas.

The whole tenor of the debates on the Coffee Marketing Bill and of the discussions in select committee and the assurances we were given in select committee were to the effect that the pre-war trade channels would be protected, and it was for that purpose that sub-section 4 of clause 18 was inserted to ensure that a sole agent and/or broker and/or dealer should not be appointed without the consent of the Legislative Council by resolution moved therein.

It was on these assurances and on this very definite understanding that the legislation passed through its stages and is classified as agreed legislation. The Coffee Marketing Board have acted against the very definite intention of the legislation. I am not suggesting they have so acted in bad faith. On the contrary. If, however, the Government draughtsman of legislation does not get the intention into the wording of the bill it is not the fault of the lay members of Council, and the lay members of Council have every right to suppose that the utterances of Government spokesmen and the assurances which they give as to intention are accurate.

I am quite clear in my own mind that the whole intention of the legislation and the intention of Mrs. Silvester, Mr. Mundy and Mr. Patel who are members of the select committee, and indeed of the chairman were to protect the pre-war trade channels. If there is still any doubt in your mind as to the suggestion that such was not the intention I would ask that the hon. Acting Attorney General be requested to communicate by telegram with Mr. Brown, who was chairman of the select committee in question.

In the meantime I suggest that the mistake be rectified administratively or by amending legislation. Failing that I shall have to bring my motion before Council, perhaps somewhat altered as to its wording, as you will appreciate that the situation which has arisen is tanta-

mount to having been misled into agreeing legislation.

In conclusion, may I point out that the wishes and desires of the Coffee Marketing Board are not the governing factor in matters of legislation, but it is the Legislative Council who are the deciding factor as to what legislation should be applied to the colony.

Yours faithfully,

W. G. NICOL

The Hon. Member for Agriculture and Natural Resources, Department for Agriculture, Nairobi.

c.c. Private Secretary to His Excellency the Acting Governor.

Sir Alfred Vincent, M.L.C.

Hon. Mrs. Silvester, M.L.C.

Hon. J. C. Mundy, M.L.C.

Hon. A. B. Patel, M.L.C.

I do not suppose that anything has happened, and all I suggest is that this particular sub-section (4) should be amended to interpret the intention which was behind the select committee, and that the whole section should be brought into force. Further, that if the Coffee Marketing Board so desired, they should bring a resolution here, and if that resolution is passed that is in accordance with the intention. I must reiterate that the intention behind this legislation was that the pre-war channels of the trade would be maintained so soon as free coffee came on the market. I feel that if Government is not able to accede to the request in the motion, I am certain that anybody who feels aggrieved on the matter or if on any subsequent action anybody feels aggrieved, they will no doubt have recourse to the law and will no doubt have the matter raised in the House of Commons.

MR. PATEL: Mr. President, I beg to second the motion.

I was a member of the select committee which sat for many days and heard the highly controversial and conflicting evidence which was put forward. I remember very distinctly that fears were expressed over the appointment of a sole agency, and on the other hand it was put forward that established channels of trade should be maintained. Finally, the select committee did come to

[Mr. Patel] the unanimous view that established channels of trade should be maintained, and for that purpose sub-section (4) of section 18 was introduced, and I think that the intention on the part of everyone who was present there was that the fears about the appointment of a sole agency must be removed. For that reason I second the motion before the Council.

Mrs. WATKINS: Mr. President, this trade argument has repercussions on the planting industry to a greater or lesser degree—rather a greater one, I think. I was one of the Kiambu planters who were rather suspicious that we were going the same way as Ceylon and becoming either a corner for big company's trade or a monopolist trade. We were frightened from the very beginning, and our mistrust persisted right into the war years. Ultimately we saw that it was no use the industry fighting within its own ranks and we co-operated, and attempted also to include in our purview our very good friends some of the agents who have helped us for many years, and to whom we have looked very often for advances, or in other way, to help us.

I was unfortunately away—perhaps not unfortunately—but anyway I was away when the select committee sat. I said perhaps not unfortunately, because I believe my deputy did a better job of work than I could have done, because although I knew the subject better, she came to it from an unprejudiced and non-committal point of view and she had an intense keenness on the job. She did a very good job of work on that committee.

To say that apprehension was there among a minority of us is a mild British understatement. There was a great deal of suspicion at the monopolistic tendency which was appearing, through the possible appointment of single agents, and we particularly insisted on this one matter going in. I am going to quote, if I may, our chairman's words when he introduced the Bill in Council in January, 1946. He said: "Very early on in our proceedings we found that there was an attitude towards this legislation which I can only describe as one of distrust. Time and again this sort of thing was put to us—Oh, but under the bill the board could do this, or might do that—it might, for example, appoint a sole selling agency

and cut out the rest of the trade," and it was of no avail to say "Yes, but there is not the slightest intention of doing what you apprehend, and to do that would be directly contrary to the recommendations in the Coffee Marketing report, which was the fountain and origin of this bill, because 'all you got' then was 'Then put it in the bill!' I maintain my view that to put all these things in the bill, tying down the board to the manner in which its business is to be conducted, is in principle a bad thing, but there was here a much worse thing, and that was to allow these suspicions, and these antagonisms within the industry, to continue if you could allay them by altering the bill, always provided that you were satisfied that you would not thereby interfere unduly with the successful working of the new Marketing Board. That was the criterion which we as a committee adopted."

Those were Mr. Brown's words in introducing the bill to this Council. I should like to put in one thing here, and that is that I represent a very large body of coffee planters who are completely contented with the Coffee Marketing Board. The work is going through smoothly; they are doing extremely good work for us all; prices are good; payments are prompt; and the work put in is keen, very intelligent work, on our behalf; so it is not belittling the Coffee Marketing Board's present work for us in the slightest to say that I think here they have gone outside the intention of the legislation in appointing this monopolistic agent.

May I speak as John Citizen this time—not as representing coffee for a moment, but as a coffee planter—and say that, contented as I am with the Coffee Marketing Board, I still feel that a monopoly is a bad thing, and I am always frightened of monopoly, in whichever form it raises its ugly head. I cannot quite explain why briefly, but I can refer to another politician of rather greater stature than myself, Mr. Winston Churchill, who seems to have the same ideas about monopoly as myself. I do not want any form of monopoly if we can help it.

I think that is all I have to say in this matter. I believe that the real point is—has agreed legislation been upheld or has it not? No, was this particular point in

[Mrs. Watkins] report—are underlined, and had any member scanned the new bill carefully I think it would have become apparent that this particular point about the brokers was not covered.

It is perfectly true—and I readily agree—that the lay members on these select committees do rely on the legal draughtsman, who is usually chairman, to ensure that the views of the committee are properly represented in the bill finally tabled in this Council, but I cannot blame my hon. friend the late Solicitor General for any misunderstanding that has arisen here. I believe, as I said before, that both sides were talking about different things and each side thought that their point of view had prevailed. In point of fact, the point of view of my hon. friend the Director of Agriculture and the Coffee Board did prevail, and their point of view was inserted in this legislation.

I think it is most unfortunate that there should have been this misunderstanding, because I am perfectly certain the hon. mover of this motion would have opposed the measure and would not have signed the select committee report had he fully appreciated what the new bill was going to do. I am not concerned with the policy, that is for my hon. friend the Member for Agriculture, but if he agrees to any amendment of the legislation I will do everything in my power to give effect to the ultimate decision that is made.

Mr. BLUNT: Mr. President, in the first place may I say that the reason why the two sections which it is now suggested should be brought into effect were not brought into effect at the time sub-section (2) of section 18 was put into force, was that sub-section (3) obviously needs amendment to deal with the position that has arisen since this Ordinance was passed, whereby there is a contract for the sale of a certain quantity of coffee direct to Great Britain, and it is quite clear that an amendment is necessary in sub-section (3) of section 18 to cover this position. The main reason why it was suggested that sub-section (4) should not be brought into effect at the same time, was that it had become evident that there was some difference of opinion as to what the proper meaning of sub-section (4) was, and that is the point which the hon. mover has now made and which is

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[Mr. Blunt]

under discussion, I think he will probably agree that before sub-section (4) of this section is brought into effect it should be clarified, so there can be no doubt whatever in the minds of anybody as to exactly what it means.

My hon. friend the Attorney General has pointed out, quite correctly, that there has been misunderstanding about this matter from the original introduction of the bill before it went to select committee, and the misunderstanding apparently has been mainly on this particular point, and it arises out of some confusion, and absence of definition, as to what we were talking about when we mentioned dealers, agents, and the various people we talked about at the time the bill was discussed. I said that I have no doubt in my mind as to what the intention was. If I may refer to a speech that I made in July last year, I quoted extracts from the report on the marketing committee, and one of the extracts I quoted was: "The committee is unanimously of the opinion that the dealers in Nairobi and their connexions with overseas markets are an asset to the producer which should be retained". I went on further to quote: "There have, for many years, been rumours and suggestions that the producer would establish a single selling agency through which he will offer his coffee to the markets of the world and eliminate the local exporter. In order to establish the organization, which we recommend, on sound lines, it is desirable to remove dealer apprehension on this point".

Those are quotations from the report of the Marketing Board on which this bill was based. I then gave an assurance on my own account, and I quote from *Hansard*: "I should like here to give a categorical assurance that it is the intention of those who asked for this bill that the board to be constituted should be guided in its policy and actions by the recommendations of this marketing committee set out in full in the Coffee Board bulletin of January, 1964, and, particularly that there should be full co-operation with the trade". I stressed in my speech then, and I think it was made perfectly clear not only by myself but by others, that the intention of the bill was to put into effect the recommendations of the coffee marketing committee's report.

There was a considerable amount of argument as to how far we should go in including the terms of that report in the bill, and I remember well the hon. Member for Nairobi South suggesting, and demanding, that as much as possible of that report should be put into the bill, so that this particular trouble that we are up against now should not occur, and that we should know the intention quite clearly.

If I may refer to one paragraph of the Coffee Marketing Board's report as published in the Coffee Board bulletin, dealing with this particular aspect of the appointment of sole broker, I quote paragraph 14 (b): "The Board shall be responsible for making the necessary brokerage arrangements in Nairobi. Provided that the person appointed by the Board, as responsible for negotiating sales in Nairobi, has an adequate knowledge of coffee, it appears immaterial whether he be employed on a commission basis or a salary basis". Now I suggest that there is no shadow of ambiguity about that. In the Board's report they referred to a person—not to persons—and they say "it is immaterial whether he be employed on a commission basis or a salary basis". To my mind that indicates perfectly clearly that the Board had in mind at that time the appointing of an individual to do their auctioneering. That is the particular question we are discussing at the moment: whether the Board can appoint an individual to do their auctioneering or whether they cannot.

The whole emphasis in the course of that debate was on the question of selling coffee on the overseas market, and when we talk about keeping the trade going the dealer's functions and the two particular paragraphs which I have quoted from *Hansard*—dealers in Nairobi and their connexions with overseas markets are an asset to the producer" and "rumours and suggestions that the producer would establish a single selling agency through which he will offer his coffee to the world"—that was the particular part of the trade we were thinking about and, as the hon. Member for Kiambu has reminded us, that is the aspect about which there was at that time grave suspicion. There was a feeling on the part of a number of people that we were going to have a monopoly of selling

[Mr. Blunt]

on the overseas market, and that is what we discussed *ad nauseam*, and it is, I submit, the point which we endeavoured to cover in section 18 (4).

The hon. member has made it quite clear that there is no accusation of good faith—(MEMBERS: Bad faith!)—bad faith! (Laughter.) The hon. Attorney General has referred to the question of the legality or otherwise of the action of the Marketing Board, but I do feel that since this question has arisen there will have to be clarification of that section. The Marketing Board have very definite ideas as to what they want, and I think they should put them forward in this Council, either in the form of a resolution, or possibly better, as an amending bill. I am afraid that those views do not coincide with those of the proposers of this motion, but it appears to me a matter which has got to be thrashed out at a later stage, and I suggest we leave it until then.

MAJOR CAVENDISH-BENTINCK: Mr. President, I do not think there is very much I need add to this debate which, as has already been said, is a very dull subject for most members of this Council, though very important from certain points of view.

I think probably the best way out of this impasse would be for an amendment to the Ordinance to be introduced at an early stage, which can then be debated in the Council. I should like to associate myself with the remarks made by my hon. and learned friend the Attorney General, that I think there has been an unfortunate misunderstanding in that everybody concerned was firmly convinced that it was the intention that they realized which was incorporated in the Ordinance, and it is a pity that we have allowed ambiguity to occur.

I should like to say this, that the amendment which will be introduced for discussion will be in the form desired by the producer. The producer's point of view has been very strongly emphasized. Both the Coffee Board and the Coffee Marketing Board are adamant that they wish to be allowed to employ a single auctioneer either as an agent or as a salaried person, if they so desire. They feel very strongly on it, and I would say that I cannot subscribe to the idea that at all times and in all cases, now that the

war is over, the producer has got to go back to marketing his produce in the way in which it was marketed for the past 20 or 30, or perhaps 50 years. (Hear, hear.) The producer is determined henceforth to market co-operatively if he thinks it is to his advantage.

Finally, I should like to say that I must apologize, and I do so in all sincerity, to the hon. member for the fact that his letter was not dealt with expeditiously. It was an accident which can happen at any time. The letter did go into the Secretariat and it did not emerge in time for me to see it before he came to see me. I hope it will not occur again and I hope he will accept my apology.

Finally, I would suggest that possibly, in view of the discussion that has taken place, the hon. member would see fit to withdraw his motion, and I, on my part, will undertake to produce at a very early stage—by that I mean as soon as I possibly can—the amendment for discussion in Council on this matter.

MR. NICOLL: Mr. President, there is not much for me to say.

I agree with the hon. Attorney General that perhaps this is a somewhat uninteresting debate, but the whole point is that the matter of principle is involved. That is, that we did after a lot of very hard work get agreed legislation, which turns out to have been the cause of a genuine misunderstanding. But there is one point which I must stress, and that is this. Both the Attorney General and Director of Agriculture supported the claim of brokers or agents or dealers. I thought that I made it perfectly clear when introducing the motion that I was referring to pre-war channels of trade, and I purposely used those words "pre-war channels". It was at any rate used in the past and covered everything—dealers, agents, brokers, what you will. I have here a definition of broker from the Shorter Oxford Dictionary, and it says: "Any retailer, dealer, or agent", and according to Chambers's it is "One employed to buy and sell for others; a second-hand dealer".

In regard to the point made by the hon. Director of Agriculture, he tried to pay stress on the fact that when we were debating this matter we were considering only the selling of coffee on the overseas market. Of course, he knows as well as I know that it is not the case, because we

[Mr. Nicol] have been at pains to refer to the fact that the pre-war channels of trade would be reverted to when the Ministry of Supply contract came to an end, and no doubt Mr. Brown, in introducing the select committee's report when he dealt with section 18, said it would be the most important section in the bill, so that we had quite clearly at the back of our minds that there were overseas markets to be dealt with when the time came, so that I cannot accept his statement that we were only talking about overseas markets.

In regard to the hon. Member for Agriculture, may I say that I unreservedly accept his apology in regard to the unfortunate mislaying of my letter, and as I made quite clear, I think in my original speech, I do not attach any blame to him for that. If things go wrong outside he cannot take the blame, and I do accept his apology.

In regard to the fact that he has undertaken to introduce an amendment, he has given that undertaking, I would just say this. He has in stating that the amendment will be drawn in the way his predecessor wishes indicated a complete change of policy of Government which will no doubt receive attention at the time the amendment is introduced into this Council, but that will be a matter for argument then.

In view of the fact that such an amendment is to be introduced with the leave of my second, I ask leave to withdraw the motion.

The motion was by leave of Council withdrawn.

SCHEDULES OF ADDITIONAL PROVISION

MR. TROUGHTON: Mr. President, I beg to move: That Schedules of Additional Provision Nos. 5 of 1946 and 1 and 2 of 1947 be referred to the Standing Finance Committee.

MR. FOSTER SUTTON seconded.

The question was put and carried.

RESERVE FUND FOR SALARIES ARREARS

MR. TROUGHTON: Mr. President, I beg to move: That a sum of £200,000 be set aside from surplus balances to create a reserve fund for the purpose of meeting

arrears of salaries consequent on the recommendations of the East African Salaries Commission.

This motion, I feel, is almost self-explanatory. The Salaries Commission is sitting in East Africa now. It is in Nairobi at present and it is well down to its task. One of the things it has got to submit a recommendation about is the date from which its recommendations should be effective. There are strong arguments for the date being 1st January, 1946, and there are strong arguments for the date being 1st January, 1947, and, in fact, there are strong arguments for almost any date, provided there is a reasonable measure of retroactivity.

It was brought to the notice of the Standing Finance Committee that there was some fear among civil servants about this. They rather feared that, with the curtailment of imports, the colony might be heading for a series of deficits, and that consequently there might be no money to pay for arrears of salary. I hope that these fears will prove completely unfounded. The Standing Finance Committee—and I may say here that the move for this particular motion came from the unofficial members of the committee, not from the Government members—felt that, as an earnest of good faith, to ensure that civil servants did get their salaries revised from such date as might be appropriate, a reserve should be created formally for the purpose.

That, sir, is the sum and substance of this motion.

MR. FOSTER SUTTON seconded.

MR. VASEY: Mr. President, I do not want to throw a spanner in the works of this swift attempt to conclude the business of the Council, but I should like to ask whether £200,000 is considered sufficient, having regard to the other matters that are worrying the Civil Service? The hon. Commissioner for Inland Revenue stressed in his series of facts one particular fact, and that was that the European here theoretically earning £600 to-day had really in fact a spending power of some £373. The lower paid ranks of the Civil Service, with whom I have every sympathy, have been complaining for some considerable time of that very fact. They know, of course, that they must make their representations to the East African Salaries Commission

[Mr. Vasey] and they hope that before long, if by that time they have not run so heavily into debt that they will have offended against the bankruptcy laws of the country, they will get some relief in perhaps 18 months or two years.

They have another grievance, and that is the fact—and they feel this very deeply—that they are the only people in the territory who are compelled to suffer a continuance of war sacrifice through what is known as the "one-sixth war sacrifice deduction". It is something which they feel, and I think personally feel rightly, is a very unfair and unjust measure. They have had this position placed before Government before, and I think they have been consistently refused. I feel that it is time that the unofficial members began to take a hand in this injustice, and I wonder if the hon. Financial Secretary would be inclined to accept an amendment at this stage to delete the figure of £200,000 and to substitute the figure of £300,000, purely as a token figure, and the addition of the words at the end of his motion of "and a possible restoration of the one-sixth war sacrifice deduction". If the hon. Financial Secretary would feel inclined to accept that, I should have very great pleasure in moving it as an amendment.

MR. BLUNDELL: Mr. President, I rise to oppose the motion. I would feel inclined to support it if my hon. friend the Financial Secretary would add a further amendment to his resolution that a similar sum be put on one side in case of retroactive relief from income tax. (Laughter.) In view of our debate earlier to-day, I think every member of this Council would agree with me that on the lower income classes the present scale of income tax is as heavy as the conditions under which the lower paid members of the Civil Service are suffering to-day.

I beg to oppose the motion.

SIR ALFRED VINCENT: Mr. President, I do not care very much what sum is put in to reserve as long as we still control it. I am very glad the hon. Financial Secretary that it was the unofficial wish that justice should be done to their own service. The point is this, that I want to know from the hon. member how this reserve is going to be handled, and what control this Council will have over any

reserve which is set aside, because if the Council still retains complete control of that reserve to me the amount, within limits; does not much matter.

MR. TROUGHTON: Mr. President, on a point of order, if I may rise on a point of order, I am not sure whether the hon. Member for Nairobi North has or has not proposed an amendment?

MR. VASEY: On a point of explanation, I said that if the hon. Financial Secretary would be prepared to accept such an amendment I would move it. I do not want to put the Council to a debate on this question at this time. I think I am, of course, at liberty to move a motion at any other stage in the proceedings.

MR. COOKE: Mr. President, as a member of the Civil Service Board I would point out that, although it is a large sum of money, it is merely a token vote, and I am certain the Civil Service would be quite satisfied with the assurance of the hon. Financial Secretary that this means that Government is going to take action. Personally, I support the motion for that reason.

MR. TROUGHTON: On a point of order, if I intimate my views on the request made by the hon. Member for Nairobi North do I lose my right to reply to the debate?

THE PRESIDENT: No is the answer to save time.

MR. TROUGHTON: Then on that point I can accept the first part of the motion namely, increasing the amount of £300,000. The second part I cannot accept.

MR. VASEY: In that case I do not propose to press it at this stage.

MR. TROUGHTON: Mr. President, there are only one or two points which I think I need deal with. This Council would have full control over expenditure from this reserve fund, because the way in which it would be dealt with is that the reserve fund would be brought into revenue and the extra cost voted as expenditure, and the approval of this Council would be necessary in the ordinary way.

SIR ALFRED VINCENT: Will the report of the Commission be debated?

MR. TROUGHTON: Well, I cannot give an assurance that the report would or would not be debated. If there was no

[Mr. Troughton] such demand obviously it would not be debated. There would be no question of murmuring any discussion on it, but it might not be required.

On the particular point of the continuance of the one-sixth sacrifice, if that one-sixth sacrifice element were removed from a rather complicated formula, it would seriously prejudice the present deliberations of the Salaries Commission, and they have made that clear to us. I do not wish to spend a lot of time going into the various other reasons why that element should not be removed. Suffice it to say that it would be quite impracticable at the moment for that and other reasons. I hope Council will pass this motion without dissent.

The question was put and carried.

PYRETHRUM (AMENDMENT) ORDINANCE, 1943

CONTINUATION OF

MAJOR CAVENDISH-BENTINCK: Mr. President, I beg to move: Be it resolved that this Council approves the provisions of the Pyrethrum (Amendment) Ordinance, 1943, being continued in force until 31st December, 1949.

As hon. members are aware, in 1943, in anticipation of a contract entered into with the Ministry of Supply, new arrangements had to be made for a guaranteed price to pyrethrum growers and existing licences were cancelled, the powers of issuing licences being, with the consent of the Pyrethrum Board, vested in the chairman of the Board of Agriculture. The pyrethrum industry is going through a difficult period and the statistics which are now kept under this new system are extremely efficient, and it is the wish of the Pyrethrum Board that the present system of licensing should be continued. I am therefore proposing that Ordinance No. 18 of 1943, under section 11 thereof, should continue in force until 31st December, 1949.

Mr. FOSTER SUTTON seconded.

The question was put and carried.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned until 10 a.m. on Monday, 3rd November, 1947.

Monday, 3rd November, 1947

Council assembled in the Memorial Hall, Nairobi, on Monday, 3rd November, 1947.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

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

PAPERS LAID

The following papers were laid on the table:—

Draft Estimates:

Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya and of the Development and Reconstruction Authority for 1948, with memorandum thereon; Draft Estimates of Revenue and Expenditure of the East Africa High Commission for 1948, with memorandum thereon; select committee report on the Liquor (Amendment) Bill and the Native Liquor (Amendment) Bill, and schedule of Additional Provision No. 5 of 1945.

ORAL ANSWERS TO QUESTIONS

No. 65—MAKUENI SETTLEMENT SCHEME
Mr. COOKE:

Will Government state the total sum, including the salaries of whole and part time Government servants, expended on the Makueni Settlement Scheme from its inception to 31st August, 1947? And the number of Kamba families so far settled in the area, and the cost of settlement per family?

MAJOR CAVENDISH-BENTINCK: In reply to the first part of the question, the total sum, including the salaries of whole and part time Government servants, expended on the Makueni Settlement Scheme from its inception to 31st August, 1947, is £42,814.

The reply to the second part of the question is that forty Kamba families are at present in process of being settled in the area and a number of further applications to settle are under consideration.

In the light of the answers given to the first and second queries, it will be evident

[Major Cavendish-Bentinck] to the hon. member that a simple mathematical calculation will provide him with the reply which he is desirous of obtaining. It will, however, be equally evident that at this stage in the development of the Makueni plan any attempt to assess expenditure on a formula of cost to date divided by the number of families now in process of settlement would be entirely misleading in that the cost per family could be made to appear a ridiculously high one which bears no real relationship to the actual facts of the situation. A total of approximately 12,000 acres has now been cleared and the first five farms will be available for settlement by the end of the year, which farms should accommodate from 800 to 1,000 individual persons. True average costs per family or individual cannot be computed until the scheme has advanced a stage further, in that the total cost to date which I have just disclosed includes expenditure on:—

- (a) boreholes and borehole equipment,
- (b) piping and water tanks,
- (c) roads,
- (d) temporary buildings,
- (e) fly barriers,
- (f) machinery and transport,
- (g) some experimental mechanical clearing of bush by contract.

Most of which represent capital expenditure covering a considerably wider area than has yet been opened and is not fairly applicable only to the number of farms at present available for settlement.

In the light of the past history of this area, it will also be appreciated that the fly barriers are not only part of the present Makueni scheme, but equally constitute an essential protection to a large part of the adjoining Machakos district.

Lastly, not only in relation to tsetse fly but also in relation to bush clearing and settlement generally a great deal of experimental work has been carried out in Makueni and much valuable experience and knowledge gained thereby, which experience will be put to use in the continuation of the scheme and in other parts of the colony.

Mr. COOKE: Arising from that very full answer, may I remind the hon. gentleman that my question was: how many families have been settled at Makueni so far, not how many he intends to settle in the near future?

MAJOR CAVENDISH-BENTINCK: I think I have already replied to the hon. member's question: 40 families have been registered and are in process of being settled.

No. 74—NATIVE TRIBUNALS AS COURTS OF RECORD

Mr. MATHU:

Will Government please (a) give the information regarding the arrangements, if any, they are making to make Native Tribunals Courts of Record as recommended by Mr. Arthur Phillips in his Native Tribunals Report; and (b) state the reason why all appeals to cases dealt with by the Native Tribunals cannot find their way to the Supreme Court?

Mr. WYN HARRIS: Owing to the illness and the subsequent retirement of Mr. Phillips, Judicial Adviser, it has been impossible to proceed with the various proposals contained in his report.

An officer is shortly to be appointed to the vacancy caused by Mr. Phillips' retirement and his first duty will be to undertake an examination of these proposals, and it is hoped that legislation will then be introduced embodying those which are considered to be practicable and desirable.

With regard to the second part of the question, all appeals from native tribunals, other than land cases, can find their way to the Supreme Court by way of case stated. Land cases were expressly excluded in 1942 from the purview of the Supreme Court, and the reasons for such exclusion were exhaustively described by Mr. Phillips in his report in paragraphs Nos. 656 to 659.

No. 76—POLICE JUSTICES OF THE PEACE

Mr. MATHU:

(1) Will Government please give the number of policemen in the country appointed as Justices of the Peace?

(2) Bearing in mind the system of British justice, is Government satisfied that appointing police officers Justices of the Peace is in the interests of justice?

Mr. FOSTER SUTTON: (1) Seven: five Superintendents of police and two Assistant Superintendents of Police.

(2) The answer is in the affirmative. If the Government had not been so satis-

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(Mr. Foster Sutton) said, the appointments would not have been made.

NO. 78—TEITA CONCESSIONS, LTD.

MR. MATHIU:

In view of the definite proposal which Government has made to acquire the land alienated to the Teita Concessions, Ltd., in the Coast Province for the settlement of the Teita people, and in view of the fact that the Teita are still waiting hopefully to get this land to help them in their economic needs, will Government please state when they expect to have this land for the Teita people?

MAJOR CAVENDISH-BENTINCK: At no time has Government made the proposal to acquire the whole of the land alienated to Messrs. Teita Concessions, Ltd., for the settlement of the Teita people. What has been proposed is that about 10,000 acres should be added to the Teita native area, of which some 5,000 acres are owned by Messrs. Teita Concessions, Ltd., and 5,000 acres are Crown land. This area would be additional to the 4,000 acres already added to the coast native land unit after being surrendered by Messrs. Teita Concessions, Ltd.

Negotiations with the directors of the company are being carried on in London, and it would appear that there is every likelihood of a satisfactory outcome to these negotiations, being reached shortly.

NO. 82—SABUKIA-THOMSON'S FALLS ROAD

MR. BLUNDELL:

Will Government please inform Council if action is being taken to construct the proposed road from Sabukia to Thomson's Falls? If the answer is in the negative, when is it proposed to undertake the necessary works? If the answer is in the affirmative, by what date is it proposed that the works shall be finished and the road be opened for traffic?

CHIEF SECRETARY (Mr. Rankine): No decision will be taken in regard to the completion at public expense of the escarpment section of the Sabukia-Thomson's Falls road until a proper survey has been undertaken and a firm estimate as a result of such a survey has been provided. This survey is now in progress.

NO. 84—RENT (RESTRICTIONS) ORDINANCE

DR. RANA (Eastern Area):

In view of the feeling widely held in the country that the Rent Restriction Ordinance has largely outlived its usefulness and was only a war measure and is unfair in its provisions both to landlord and tenant, will Government consider its immediate repeal or amendment so as to conform with present day conditions?

MR. TROUGHTON: Yes, sir. The Government is aware of the desirability of amending the Increase of Rent and of Mortgage Interest (Restrictions) Ordinance and the question is at present under consideration.

MR. VASEY: Arising out of that answer, does Government accept the statement that the Ordinance is unfair in its provisions to tenants?

MR. TROUGHTON: Government does not accept that statement. The statement in the preamble to the question is that "the feeling is widely held"—it is, among landlords. (Laughter.)

ASIAN OFFICERS' INTERIM PENSIONS

MR. TROUGHTON: Mr. President, I beg to move: That this Council considers that interim pensions awarded to Asian officers in lieu of provident fund benefits pending the introduction of a contributory pensions scheme shall be calculated at a 1/600th pension constant and that interim pensions already awarded at a 1/800th pension constant shall be recomputed and paid accordingly.

The effect of this rather technical motion is simple enough. Some years ago the Government decided, with the full approval of this Council, that it would as soon as possible introduce a contributory pension scheme for both Europeans and Asians. It has not yet been possible to finalize the actuarial arrangements with regard to Asians, and the Government recognized at the time that it would take some time to do this. Consequently, when people retired, as an interim measure we voted them pensions at 1/800th constant. A 1/800th constant means that the pensioner gets 1/800th of his final pay for each month's service. We hit on that figure of 1/800th because we expected that the final figure in the scheme would probably be round about 1/600th or

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(Mr. Troughton) 1/700th, and 1/800th was safe enough as an interim measure.

We have still not reached finality on this business and the matter is now before the Salaries Commission, but this much is clear, that the benefit will be much in excess of the order of 1/600th or somewhere of the order of 1/600th and there is no reason at all why the interim pensions already paid should not be written up at 1/600th. That will have to be done sooner or later anyway, and it ought to be done now because these people are in many cases suffering hardship.

MR. FOSTER SUTTON seconded.

MR. PATEL: Mr. President, I beg to support this motion before the Council. I am very glad that Government has found time in this session to move this motion, because for many years they have not been able to find time to do what is useful, to which I have had the privilege of drawing the attention of this Council time and time again. I regret to say that Government has very little time to do anything when the question of recommendations affecting my community has to be dealt with.

The question was put and carried.

CUSTOMS DUTIES ON FOODSTUFFS (PROVISIONAL EXEMPTION) ORDINANCE, 1946

CONTINUATION OF

MR. TROUGHTON: Mr. President, I beg to move: Be it resolved, that this Council approves the Provisions of the Customs Duties on Foodstuffs (Provisional Exemption) Ordinance, 1946, being continued in force until 31st December, 1949.

This motion is of a formal character. Under the ordinance power is given to grant certain foodstuffs exemption from customs duty when imported into the Colony. The reason why this enabling bill was passed was that in time of food shortage it is necessary to import food into this colony. The prices of imported food are very high indeed, and it would be entirely unwarranted to levy customs duty on such importations. In any event the customs tariff on those foodstuffs which are locally produced is of a protective rather than a revenue character, and when as a matter of public policy foodstuffs have to be imported it would

not be justifiable to inflate the price in this way.

MR. FOSTER SUTTON seconded.

The question was put and carried.

CUSTOMS TARIFF (AMENDMENT) BILL

SECOND READING

MR. TROUGHTON: Mr. President, I beg to move: That the Customs Tariff (Amendment) Bill be read a second time.

Hon. members will remember that the duty on tobacco and cigarettes in the United Kingdom was increased most drastically in connexion with Mr. Dalton's budget last April. The object of that increase was not so much to secure additional revenue for the Exchequer as to reduce the consumption of tobacco in order to save dollars, because a great deal of the tobacco consumed in the United Kingdom comes from the United States, and the producers have to be paid in dollars. There is no need to stress the importance of saving dollars at this period, and I would only say that we in East Africa have so far been able to do all too little in that direction.

Since the United Kingdom budget we have had similar action under consideration here, and as a result, in consultation with the other East African Governments, we decided that the duty on imported tobacco and cigarettes should be doubled with effect from 6th October, and in moving the second reading of this bill I am in effect asking this Council to ratify that decision.

There are one or two points which perhaps I should make.

First, it might be argued that this increase should not apply to the duty on tobacco imported from the Rhodesias or from the Union of South Africa. The plain fact is that, in refraining from smoking tobacco from the Rhodesias and the Union, we save dollars just as much as by refraining from smoking tobacco from the United States. The position is that the Empire's requirements of tobacco, notably the United Kingdom, are far greater than the Empire's production, and therefore, if a person refrains from smoking tobacco from Rhodesia that tobacco from Rhodesia is available to another smoker, who otherwise would smoke Virginian tobacco. It

[Mr. Troughton] is therefore a definite dollar saving action to refrain from smoking, and the main object of this bill is to help people to do so by making the price of imported tobacco and cigarettes so high that they will think twice before buying them. If it does not succeed in reducing consumption, we will have to consider giving people further assistance to that end. (Laughter.)

Perhaps I should say a word about local tobacco and the importation of unmanufactured tobacco. The position is that in respect of our local production quite a high proportion of imported tobacco is mixed with the local leaf, and supplies of local leaf are extremely scarce. Production will have to be stepped up if supplies are to be made available. The Government—and I speak here for all the East African Governments—feel that it is important that reasonable supplies of locally manufactured tobacco and cigarettes should be available as consumer goods at reasonable prices for Africans engaged in essential production.

It is not proposed at present to increase the duty on the unmanufactured tobacco which is imported to mix with the local stuff, nor is it proposed to increase the excise duty on locally manufactured tobacco and cigarettes. This means, of course, that there will be considerable disparity between the price of the imported article and the price of local cigarettes and tobacco, and the danger is that a black market may start up. Here we rely on the co-operation of the tobacco companies, and I must say that they have been exceedingly co-operative in this matter. We have made it clear to them that the only reason why we have not increased the duty on this local stuff is in order to provide consumer goods at reasonable prices, and not to provide cigarettes for sale in the towns. The companies will direct, as far as possible, supplies of these local cigarettes to estates engaged in essential production, and if the estates concerned allow supplies of these cigarettes to drift into the black market, then supplies will have to be cut off.

Secondly, as regards local cigarettes, the production will be maintained at the 1946 level, in so far as the use of imported leaf is concerned, and if there

is any increase it will have to be purely from local leaf. At this point I should stress again that this is not a revenue or taxation measure; the object of it is purely to keep down consumption.

One further point: N.A.A.F.I. The increase in duty will apply to cigarettes and tobacco purchased by members of the armed forces through the N.A.A.F.I. organization. For this there are two reasons: First of all, if the duty did not apply, the disparity between civilian prices and N.A.A.F.I. prices would be even greater than before, and there would be an even more serious danger of smuggling. Secondly, it is just as important that the consumption of dollar tobacco by members of the Forces should be curtailed as that civilian consumption should be curtailed.

I am sorry if this measure is going to mean that people will have to give up a very pleasant and very sociable habit, and the only consolation I can offer them is that, if they do give it up, they may get shot of that horrible cough in the early morning. (Laughter.)

MR. FOSTER SUTTON seconded.

The question was put and carried.

SUSPENSION OF STANDING RULES AND ORDERS

MR. TROUGHTON: Mr. President, with your consent, I beg to move: That standing Rules and Orders be suspended to enable me to move, without due notice, the motion standing in my name on the order paper relative to the Draft Estimates.

MR. FOSTER SUTTON seconded.

The question was put and carried.

Standing Rules and Orders were suspended.

DRAFT ESTIMATES, 1948

REFERENCE TO STANDING FINANCE COMMITTEE

MR. TROUGHTON: Mr. President, I beg to move: That the Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya, the Draft Estimates of Kenya contributions to the East African High Commission, the Draft Estimates of War Expenditure, the Draft Estimates of the Development and Reconstruction Authority, and the Draft Schedule of Loan Expenditure for

[Mr. Troughton] 1948, be referred to a committee consisting of—the Chief Secretary (Chairman), the Financial Secretary (Deputy Chairman), the Chief Native Commissioner, the Deputy Chief Secretary, and all unofficial members of Council.

This year the draft estimates are divided into four parts—the Colony's estimates, the estimates for the High Commission services, for War Expenditure and for D.A.R.A.; five, indeed, if I exclude the Schedule of Loan Expenditure which appears as an appendix. Each of these raises its own peculiar problems, but before coming to them I should say a little about the general financial position.

Last year, 1946, the surplus amounted to over a quarter of a million, despite much extraordinary expenditure, and in particular despite a special contribution to the Development and Reconstruction Authority of £400,000 to cover the extra cost of a number of works over and above that provided in the Development Committee Report. This year, 1947, we again expect a substantial surplus, and we have put it at a figure of £600,000 odd. Once again I must stress the great difficulty of estimating closely in present circumstances.

Even now, in early November, it is difficult to estimate the probable out-turn of the year, but we have had the trends of the past few years in our mind; we know a certain amount about our major liabilities during the next two months, and in all the circumstances—that figure of round about £600,000 is as near as we can get it. (I do not want to burden the Council with a lot of figures, but I must give one or two.) That would bring our surplus balances up to round about £2,800,000 million, with the reserve fund of half a million (which is invested separately), would bring our total reserves up to over three millions. The main cause of this is, once again, the great buoyancy of customs revenue, and I am very glad indeed to be able to announce that at long last my friend the hon. Member for Mombasa has been triumphantly vindicated. (Laughter.) The estimate will be exceeded by over a million (Laughter.)

I should like to refer for a moment to one aspect of these customs revenue which is a bit perturbing. It is, I think, a

sign of inflation and the result of excessive purchasing power eager to mop up imports at whatever prices, despite the inflated prices of imports, due to conditions in the exporting countries. Moreover, our purchasing power in this Colony, as I see it; in the near future is likely to increase still further quite a lot. Apart from the carrying out of the development programme, we are going to see in this Colony very heavy expenditure indeed by His Majesty's Government on the military stores project, which is one of considerable magnitude. In addition we may not see in this Colony a major military or a major air base. We may—and I hope will, but I do not know—find in some part of this country an extension of the groundnut project. In any event, even if we do not, we shall certainly get repercussions here from the project in Tanganyika.

All this means money. It means purchasing power being pumped into the country and available for spending in the country, admittedly bringing profits and prosperity on the face of it. But it will mean a stern battle in order to keep costs down; not only to keep Government expenditure within bounds but the cost of living within bounds, to avoid privation and hardship and poverty for the wage earner. Irrespective of race, and to avoid the spiral of inflation with wages chasing prices. The Government, I am afraid, has not succeeded very well in keeping down the cost of living during 1947. We have had to allow increases in the prices of tea, in the price of butter, in the price of maize, in the price of wheat, in the price of petrol, and in the prices of other commodities because of increased costs. But I can assure the Council that these increases in prices have been allowed only after careful examination by those of us whose task it is to try and keep down the cost of living.

This embryo inflation from which we are suffering is reflected in the accounts for 1947 and in the draft estimates which we are discussing this morning. Next year we will have this increased purchasing power as I see it, and on the other hand a progressive curtailment of imports I fear, the elimination of luxury articles, and possibly a shortage of those consumer goods which mop up purchasing power. That, by all the laws,

[Mr. Troughon]
should tend to force up costs higher, and I submit that the Government will have to exercise the greatest vigilance in endeavouring to keep down the cost of living for all races during the next twelve months. The dangers, both economic and political, are great. On the one hand, rising costs, rising prices, rising costs of living, rising wages, more living costs, and so it goes on. On the other, if the costs rise without wages rising there may be industrial unrest and strikes, while if costs go up and wages go up costs are driven up further.

The answer is, I think, that costs and prices—and in my personal opinion, wages—must be kept down as far as it is possible reasonably to keep them down. Price control of essential commodities must be maintained and enhanced, and I should like to see a public demand for stricter price control on essentials, and in dealing with the primary producer of essential commodities steps must be taken—as indeed they are being taken—to see that the get a fair deal and no more. If this is not done, some day I fear the bubble will burst and the last state of this Colony may be worse than the first.

I must say something more on this subject, because one difficulty which Government has had to face in all this has been the extreme apathy of the general public. If the Government came to this Council, let us say, with a proposal for an increase in the duty on petrol at 20 cents a gallon, what would happen? We would be required to defend that proposal from most vigorous onslaughts. We would hear of the vital importance of cheap transport in a young and developing country, we would hear of the state of the roads, and would be told, perhaps, that a modest increase in the price of petrol would be acceptable provided the money was spent on the roads. Yet when the oil companies put up the price of petrol with the agreement of Government I must make that clear—by 20 cents there was hardly a murmur. In one case all the profits would go for public purposes, while in the other any profits—not that I suggest there are any [laughter]—would go to the benefit of the shareholders. It is to me quite amazing that public is so apathetic over these matters. When the Government allows an increase, let us

say of 20 cents a gallon in petrol, I submit it should be required to justify its action, just as much as if it increased the customs duties. But nothing happened—neither the hon. Member for Nairobi South nor the hon. Member for Nairobi North, both representing consuming constituencies, put any question!

Mr. VASEY: On a point of explanation, I think I was absent when Government committed the crime!

Mr. TROUGHON: I referred to the seat, not to the individual! [Laughter.]

Exactly the same thing happened in respect of sugar, meat, and a thousand and one other commodities. I think when the Government is engaged in constant vigilance in the interests of the consumers, it has every right to expect and to receive help from the representatives of the consuming interests. (Hear, hear.) I am not hitting against the members concerned. (SIR A. VINCENT: Hooray!) [Laughter.]

One aspect of this is reflected, of course, in civil servants' salaries. Like all people on fixed incomes, they have suffered and are suffering to a very considerable degree. In many cases they are getting into debt, and they are being subjected to indulge in a degree of temptation—or rather to a degree of temptation—to indulge in corrupt practices which they never experienced before, and I think it says a lot for the civil servants of all races in this Colony that, with all the hardships they are experiencing, there has been so little corruption and that so high a standard has been maintained. The Salaries Commission is busy now formulating proposals for a revision of salaries, and substantial, though token, provision is made in the estimates for putting the revision into operation with retroactive effect.

I may say that these estimates disclose that the Government is now proposing to spend something approaching half a million on cost of living allowances, mostly to the lower paid, and I am by no means satisfied that the figure is accurate, because of late the price level has risen. There has been a re-calculation, and in addition we have had the Mombasa Tribunal award, with its repercussions throughout the country, to cope with. In addition to the Mombasa Tribunal

[Mr. Troughon]
and we have recently seen in the papers the Dar es Salaam award. I do not wish to criticize that award, but seeing, and bearing in mind, coastal conditions, it seems to me of the very greatest importance that a common policy in regard to wages should be adopted through East African territories. (Hear, hear.) We have never had any real means of securing such co-ordination, but the organization which is reflected in these estimates for the High Commission—of the territories should enable these sort of problems to be dealt with in a regular manner.

It is not for me to justify this morning the adoption of the High Commission proposals. That has already been done, but it has frequently been stated in this Council that East Africa is economically one country, and that is recognized in these documents, and the fact that the High Commission will be commencing next year as a definite entity will enable that fact to be recognized in the day to day carrying out of Government business. I have heard it said that this High Commission business is a costly luxury, and at first glance, if hon. members will look at the papers, they will see a total contribution from Kenya amounting to £645,000, and they may say, "We never bargained for this". In fact, I heard a while just then, but actually, if hon. members look down the expenditure estimates of the High Commission, they will find that the only thing that is new is the Central Assembly, for which there is a modest provision of £3,000 odd, and all the rest would have been in our estimates anyway. All that has happened is they have merely been grouped in one place.

Now I come to the expenditure estimates of Kenya.

Generally speaking, the policy in framing them has been to provide for bare maintenance and little more. Perhaps I should explain a little about the way in which they were prepared. Each member of Executive Council responsible for a group of departments was given a certain figure approved by the Governor in Council, and he was asked to submit his estimates within that figure. In no case was the figure adequate to cover much more than commitments. In some cases it was

insufficient to cover any more than commitments, including the commitments consequential on the 1947 estimates. Members were asked whether there was any additional services which they would like pushed into the estimates if the figure given them did not enable them, in their opinion, to provide efficiently for the running of their department. In practically no case has it been possible to allow any of the additional expenditure so asked for.

It has not been allowed because the recurrent expenditure—I stress recurrent—to which we as a Government are committed, or virtually committed, is of such magnitude as to cause a very marked and serious increase in the Colony's expenditure estimates. Even allowing for the decreased purchasing power of money, the estimate of recurrent expenditure, an increase of £800,000 if you take the High Commission into account, is perturbing. But I am satisfied that it cannot be cut unless services are to be cut. In my opinion, our general position and our reserves are such that services should not be cut at the moment, but if hon. members feel that the recurrent expenditure is too high they will have their innings during the debate, and more particularly in the committee stage, when I hope all will be present, and the Government for its part will have no objection to reductions if hon. members will indicate where, in their opinion, they should be made.

I am also satisfied that there is little waste, but not that there is no waste. Here the Government is very much indebted to the Efficiency and Economy Committee which sat under the chairmanship of Mr. Don Small, and which has now delegated its functions to Mr. Gherrie and Col. Collison. One of those gentlemen, Mr. Gherrie, is a former member of this Council, and incidentally a member of the Plewman Committee, while the other, Col. Collison, had a distinguished record in the Colonial Audit Department. These two public spirited gentlemen by their valuable and tireless efforts have rendered and are rendering Government a great service in investigating in detail the work in Government departments and making suggestions for improvement and greater efficiency. (Hear, hear.) All their recommendations have received careful

[Mr. Troughton] in consultation with the departments concerned, and I should like to say this: that their work has been carried out with a desire to be helpful rather than with a desire to conduct an inquisition, and their relations with everyone have been far happier than I, for one, had expected to be the case.

I do not propose to go through the draft estimates in detail, but some facts must be mentioned.

First, the relationship between the central Government and local authorities on the African side. We have provided for a reorganization which I will not elaborate. It is explained in the memorandum, but it involves the Colony in considerable expenditure if approved by this Council. The proposals provide, I hope, means of ensuring stability in local government finance similar to that secured in the relationship between Government and local authorities in urban areas, and let us hope it will stand the test of time.

Perhaps we may look at some of the major increases in expenditure, and I would suggest that hon. members might turn to the table on page 9 of the estimates, which shows the major increases, column 7.

First of all, the Secretariat and Legislative Council. Part of all this increase is due to the fact that provision is made for salaries to unofficial members of the Council at the rate of £300 per annum. It is not proposed that there should be any change in the existing system of allowances. The Government considers that the payment of salaries to unofficial members of this Council is long overdue. It is not possible to devote the time to public work of this character without one's personal affairs suffering. A member of the Legislative Council elected by his fellows or nominated by the Governor to represent their interests cannot charge a fee to his constituents whenever he renders them a service or writes a letter or rings up on the telephone, and the unofficial members of this Council have rendered most valuable service to the public in that way, even if they have been a heavy nuisance to us on the Government side! [Laughter.] But that has not made them less valuable to their constituents, and the only thing they receive is a relatively modest fee

every time they attend a meeting of Council or a standing or select committee. A further advantage of the payment of a reasonable salary is that it no longer need be necessary for persons to be comparatively well off before they can consider taking on the obligation which membership of this Council involves.

Secretariat staff. There has been a small expansion—perhaps not so small! [laughter]—introduced after very full discussion in the Standing Finance Committee. The Secretariat is a department which is much maligned and which is normally the butt of everyone, but it is nevertheless the head office of Government, and the volume of work with which it has to cope is very, very heavy. I know of no case where a Secretariat officer gets out with much less than a 70-hour week, and some, notably the Clerk to this Council, have to do considerably more at certain times of the year. It just has to stop, because the human frame cannot stand it, and these draft estimates, although providing for an increase in staff, will not by any manner of means eliminate overtime. But the Government business is expanding, and if it continues to expand at the present rate I am afraid a further increase of staff cannot be avoided.

Administration. There is a large increase there, which is quite substantial, much of which is due to this business of reorganizing the financial relationship between Government and local native councils. Formerly, chiefs only were a Government responsibility, paid for by the Government, but their staffs, their retainers and headmen who held sway over smaller areas, were paid from local native council funds and have been the responsibility of local native councils. That, in the opinion of the Government, is completely wrong in principle. These people are concerned with the maintenance of law and order which is a responsibility that cannot be deliberately delegated. In Government's view, to a local authority in a native area, accordingly, provision is made for Government to assume the necessary financial responsibility.

Education. This vote as usual is a several headache for financial officers! The committee on educational expenditure under Sir Bertrand Glancy has

[Mr. Troughton] begun its deliberations, and I hope that its report will give us a settled policy for many years to come. In the meantime, this increase is necessary if compulsory education is to be retained on its present basis and to enable existing commitments in regard to African education to be met. I should explain now that, owing to a slip, it will be necessary to ask the committee on the estimates to vote some additional provision at that stage, because a number of posts relating to Indian boys' education were inadvertently omitted, and on the basis of these estimates as printed compulsory education for Indian boys would have to stop.

This question of educational expenditure is getting more and more acute each year, and in the immediate future the prospect from the financial standpoint is bad. We are faced with a large military stores base including, I have no doubt, the wives and children of soldiers, with the expansion of white settlement, with the remarkable growth in the Indian population, and with the development of African education. All these factors are bound to cause expenditure on education to rise year by year until it becomes astronomical, unless a settled policy both with regard to costs and fees can be devised and put into effect.

Labour. There are two items under Labour that I would mention. First, the provision for getting going this section to deal with the registration of people of all races. I have heard much loose criticism of this proposal, but it should pay for its cost over and over again. The hon. Chief Native Commissioner, speaking in the debate on the Plewman report, pointed out that the only real way in which the evasion of poll tax in the urban areas and settled areas could be wiped out was by introducing this system and using it to the full in connexion with the elimination of tax evasion. The collection of taxes without evasion is an integral and indispensable part of good government. [Hear, hear.]

Secondly, we have made provision for labour exchanges. As a matter of fact, these have been working for some time past, but they have been paid for from the vote for demobilization and used primarily for the reabsorption of demobilized soldiers. We now propose,

subject to the consent of Council, to continue these labour exchanges on a permanent basis. Generally, Labour Department expenditure is up, but I think we need all agree that, with the problems of inflation and all the rest of it, we do need a strong and responsible Labour Department in this colony which will endeavour to preserve the harmonious relations between employer and employee which have been, by and large, so conspicuous a feature of this colony in the past.

Roads. A committee is now sitting under the chairmanship of the Deputy Financial Secretary to investigate the question of setting up a road fund. The committee has not yet reported, but when it does, its recommendations will receive immediate consideration. I do not think there is any justification for delaying action until the 1949 estimates. [Hear, hear.] As soon as we have taken decisions, a suitable financial resolution should be moved in this Council. In the meantime, the road position is serious. Much more money is wanted, but taking the budget as a whole I do not see that more can be voted, or should be voted, for roads without additional revenue, and I hope that the committee will recommend the creation of a fund and the hypothecation of particular items of revenue to the fund.

I hope that it will be so organized that when more funds are required, the particular items of revenue concerned may be increased, but taking the budget as a whole I do not consider that more expenditure on road maintenance can be justified now on this basis of taxation. Basic road grants to district councils are up 30 per cent above the 1939 level; and the district councils, on the basis of what they think their requirements are, propose figures of perhaps 150 per cent above the 1939 level. My hon. friend the Director of Public Works holds very much the same views, and I am afraid that this sort of thing must go on as long as we have district councils and Directors of Public Works who are purely in the position of spending agents, without any responsibility for raising a proportion of the money which they spend on roads. The only way I can suggest to remedy the difficulty is to have a Road Authority and a Road Fund, and that the Authority should be responsible

(Mr. Troughton) for proposing to this Council means of raising additional revenue to meet road expenditure.

Police. The increase in the police vote is partly due to the adoption early this year of new terms of service. It has been common knowledge that there has been discontent in the Police Force, and I hope that the revision which we have been able to carry out, plus whatever may come of the Salaries Commission's deliberations, will give rise to that degree of contentment among all ranks which is essential for an efficient Police Force. The additional expenditure on police is something which I have no hesitation in asking this Council to approve. The Force has this year been put to severe tests and it has emerged from them magnificently. (Applause.) The confidence of the public in the general efficiency and integrity of the Force is high, and rightly so.

Here, Sir, I should like to pay a tribute to the retiring Commissioner. Over a long period of years I have had financial dealings, one way and another, with Mr. Gulloch, and I have always found him a most reasonable person, but one who had the welfare of the Force most completely at heart. (Applause.) We all wish him many years of pleasant and happy retirement (applause), and in doing so we bid welcome to our new Commissioner, Mr. Ward, who returns to Kenya after distinguished service in other parts of the Empire. (Applause.)

Miscellaneous Services. The increase here, on the face of it, looks most formidable, but there is a matter of £100,000—a token sum—provided for the purpose of meeting increases in salary which may become necessary as a result of the Commission's deliberations; and there is also provision of no less than £45,000 additional for passages. We are still working off the accumulation of post-war leave, and passage costs by sea have risen, and, with staff difficulties, we have to make increasing use of air transport.

Pensions. Our annual pension bill continues to increase, and there is not the slightest sign of equilibrium being reached. Perhaps I should say that amending legislation will shortly be introduced in this Council to increase the temporary addition paid to lower-paid pensioners, in order to help them

out with the increased cost of living. Some of these people who have rendered valuable service to this country are at a low ebb of poverty and distress. In some cases pensioners have been able to take on jobs, and that is not so bad, but there is real hardship in cases where a pensioner's capacity to work is impaired through old age or through physical debility.

Agriculture. The increase here is largely due to Government taking over responsibility for certain agricultural services in native areas as a result of the re-hash of financial relationships with local native councils. The matter is still the subject of discussion with my hon. friends the Members for Agriculture and Health, the Chief Native Commissioner and myself, and there will be further amendments to propose at the committee stage.

Forests. Here, in accordance with the recommendations of the Development Committee, we have switched over the whole of the recurrent expenditure on to the ordinary side of the budget, and we have cut out further contributions to the Forest Replanting Fund.

Medical. The increase here is just as alarming, in its own way, as the increase under Education. There is, I think, a tendency for the development of medical services in the Colony to outstrip our capacity to pay, and certainly to outstrip the development of other services. My own opinion, and I am just as responsible as anybody else—more so, in fact—is that we have gone too far. Nevertheless, a big increase in provision has had to be allowed this year, partly because of the opening of additional beds at a variety of hospitals, notably the Group Hospital, Nairobi; partly because of a very marked rise in the cost of imported drugs and dressings; and partly because we were committed to a great deal of the increase by the provision which we made in last year's estimate. I think that, though my hon. friend the Member for Health is most persuasive, we will have to call something in the nature of a halt here.

During the year we have considered carefully the question of charging fees for ordinary services rendered to Africans at hospitals and dispensaries. We considered the matter through an official committee, which was not concerned

(Mr. Troughton) with the principle, but of the practicability, and this committee reached the conclusion that it was impracticable to impose these fees, and that any additional funds required could best be secured by means of taxation. The report of this committee will be laid on the table in due course, and there will be opportunity to discuss it at a later stage if hon. members so desire.

On the non-recurrent side, I might mention that there is provision of a substantial sum for a census which it is proposed to carry out next year, and which is long overdue. There is a reduction under Public Works Extraordinary because there is the development programme under D.A.R.A.; there is the difficult machinery situation, and the Public Works Department's capacity to build is not unlimited; and indeed at the present time, with these inflationary conditions, there is everything to be said for keeping public works to a minimum, except where it is essential for productive purposes.

High Commission. The High Commission estimates are printed in a separate volume which is being laid on the table of the Legislative Councils of all the East African territories. We here are concerned with making appropriate provision for our share of the cost. That is set out in our own draft estimates, and I would refer only to two of the matters dealt with in the High Commission estimates. First, there is the cost of the Central Assembly itself, which will include some small, very small, additional staff, the payment of allowances to members of the Assembly, the payment of rent for a hall for the Assembly to meet in, and that sort of thing—expenditure which really raises no question of new principle or of large amount, now that this Council has approved Paper 210.

The second item is the Post Office. The Post Office is not functioning, as we intend it should function in the future (—Mrs. WATKINS: Hear, hear!)—not in the way the hon. member thinks! (Laughter.) There is a lot to be done before it can be made a fully self-contained department, on a proper accounting basis like the Railway—if, indeed, I dare call the Railway a Department! A lot of details remain to be

settled, and the Post Office in the meantime will carry on in very much the same way as in the past. We will make a contribution to the High Commission to cover our share of the expenditure, and we will credit to revenue our share of the proceeds of the sale of stamps and so on. Expenditure is up a lot, chiefly because of the upward revision of airmail freights and the fact that the use of the airmail is increasing from day to day.

War expenditure. I do not think that there is anything I need talk about. The main changes are fully explained in the memorandum.

D.A.R.A. These estimates under D.A.R.A. are designed to enable the Authority to continue with the programme begun last year. The extent to which that programme can be carried out will depend on a number of circumstances. It is very likely that, owing to the shortage of technical staff and of skilled labour, and other demands on what staff and labour there is, it will be impossible to carry out anything like the provision envisaged in these estimates. In fact, the D.A.R.A. Estimates represent more the programme that the Authority would like to be able to tackle than the programme which it expects to tackle. They have been framed without particular regard to the economic emergency or to the desirability of slowing down capital expenditure in time of prosperity and stepping it up in time of depression. That is a matter which will be kept constantly in view by my hon. friend the Chief Secretary and the other members of the Authority in the actual carrying out of the programme.

Roads: Capital Works. A substantial sum has been provided for carrying on the road reconstruction programme. Moreover, we have just heard from the Secretary of State that, if we want it, we can have a sum of nearly half a million from the regional allocation of the Colonial Development and Welfare Vote for expenditure on the so-called Great Trunk Road. (Applause.) The Central Roads and Traffic Board will shortly be asked to advise on how this sum can best be spent, having regard to the amount of supervision we can give, the amount of road-making plant that can be made available, and so on and so forth. Funds have also been provided for road

[Mr. Troughton] improvement—capital improvement—in district council and native areas. If further sums can usefully be spent, we have got an unallocated head, representing a kitty which can be drawn upon.

Buildings. If hon. members will study the list, they will see that almost all the buildings provided for are urgent, but it is very hard to state how far it will be possible to get really going on them next year. Asbestos is scarce, materials are still far from plentiful, costs have risen steadily during the year—in fact “steadily” is an understatement in relation to costs. They are at a very much higher level than they were when the report of the Development Committee was signed, and every effort is being made by the Authority to make the money go as far as possible by insisting on the simplest standards of building and by cutting out all frills.

School buildings represent a particularly difficult problem, and I sometimes wonder whether we are ever going to see a final estimate for the new Kenya High School. Every time we get down to details about a particular school, up the costs go, and in the light of this the funds available for educational buildings will fall far, far short of the amount required to enable the development programme to be carried out. It is quite clear that the programme will have to be curtailed, or other money made available from somewhere. As I have mentioned, the whole question of educational finance is now being considered by a committee, whose task I do not envy.

I now turn to the revenue side. First of all, customs revenue. The estimate which is on hon. members' tables is the result of long consideration of a whole variety of factors. The major factor, of course, is the effect of imports control as applied in the light of the present economic emergency. First of all, outstanding orders which have been confirmed are being allowed to stand. It is thus likely that it will be a considerable time before any reduction in imports can make itself felt. Secondly, the revenue from imported tobacco and cigarettes should remain about the same, because the recent doubling of the duties should, we hope, result in about halving the consumption, though the latest

information which I have indicates that for the time being it may have been reduced rather more than half.

With all these factors in mind, we framed the revenue estimates of customs on the basis of the revised figures for this year less 10 per cent. There is every indication, as I pointed out earlier, that purchasing power will be maintained, and for practical purposes I think next year our customs revenue will be governed by the extent to which the restrictions on imports have to be imposed and maintained. No variation in the customs tariff other than the duty on tobacco is proposed for the time being. I hope, therefore, that those who have bought large stocks of wines and spirits in the last few days, and those who have not, will all be satisfied! (Laughter.) The Government accepts the principle of the abolition of the customs surcharges on those items which enter into the cost of living index, but it is not proposed to take any immediate steps to that end in connexion with this budget. We must first see how our imports pan out. Similarly, no change in excise duties is proposed.

Poll tax. There is a slight increase in the estimate of native poll tax, and I hope that in the event the estimate will prove to be conservative. The Administration and the Government are thoroughly roused to the widespread tax evasion discussed last week, and every effort will be made to stop it. In certain areas the rates of poll tax have in a sense been increased, and I should like hon. members to be quite clear in the exact meaning of that increase, because it is important. The main principle of the poll tax is a uniform standard rate of tax throughout the Colony. In a number of areas, however, remissions or reductions of a temporary character below the standard rate have been applied. In some cases the cause has been general poverty, in others famine, in others drought and locusts and so on. All that is proposed is that in some areas where the rates were so reduced, a proportion of the reduction should be reimposed. That is being done with the full consent of the Provincial Commissioners concerned. It involves not the slightest hardship. Most of the districts concerned are pastoral, and the prices of cattle for slaughter purposes and the prices of hides

[Mr. Troughton] and skins are much higher than they were.

It may be felt and argued that the African is suffering penal direct taxation. That is nonsense. Not only has the yield of direct taxation—and I exclude local native council rates, which are a separate issue—not only has the yield of direct taxation not increased since the beginning of the war but, actually, per head the African is paying less now than he did then. That has happened to none of the other races in the Colony, and I imagine it applies in very few instances anywhere in the world. I submit that Government has treated the African population of this colony in regard to direct taxation with a degree of moderation which can only be characterized as remarkable. (Hear, hear.) On the other side of the picture, services to the African population have increased out of all recognition during my official lifetime. I can remember not so many years ago as a district officer in the field feeling very strongly that the African population was not receiving services in any way commensurate with its contribution to revenue, and feeling that the African population was subsidizing other communities. That is certainly not the case today, the boot is completely on the other foot. That, to my mind, is the main justification for the Government considering the granting of direct relief to non-natives, or on the taxation paid largely by non-natives, while retaining the rates of native taxation.

That brings me to income tax.

As I said during the debate on the Ferman Report, the Government has accepted the principle of relief in respect of income tax. Much was said about an alleged implied pledge that relief should be given in respect of tax payable during the current year. Whether there was an implied pledge or not is academic, because in any event Government has decided to give relief in respect of this year. (Hear, hear.) Our revenue has been satisfactory, relief can be given, and relief will be given. The form of relief presents some difficulty, because the first instalment has already been partially collected, and the relief can apply only to the second instalment. In deciding upon the relief, we naturally gave consideration to the minority proposals put forward by

members of the Standing Finance Committee last year, and we have decided on a simpler, but not dissimilar, method of giving relief. We propose to give a relief of £10 to every income tax payer in respect of the instalment of tax payable in March on 1946 income. To be precise, the relief will amount to 50 per cent of the tax payable subject to a maximum of £10. That means that on assessments of tax of £20 there will be 50 per cent relief; on £30, 33 per cent relief; and on assessments amounting to £100, 10 per cent, and so on, the percentage relief gradually diminishing as the tax becomes greater. This should provide material relief for the lower income groups, and token relief for the higher incomes, and it will be deducted from the next instalment of the tax. The cost of this relief will be about £50,000. I should make it clear that it will apply only to incomes derived from Kenya—it will not apply to incomes originating elsewhere or from neighbouring East African territories, and is in fact a special rebate granted by the Kenya Government to Kenya income tax payers on Kenya incomes.

For next year, that is, for the tax payable in 1948 and 1949 on 1947 incomes, the Government considers that there should be a measure of relief on really broad lines, which will affect the whole range of taxpayers, except the very rich, but which will at the same time remove some of the anomalies in the existing law. The proposals have been communicated to the other East African Governments and have not yet reached finally. It is possible that they may be amended in the light of inter-territorial discussions, and that must be borne in mind. Nevertheless, this Government proposes to give relief of the following order. At present income tax is charged at Sh. 2 in the £ on the first £250 of chargeable income. It is proposed that for the next year the rate should be Sh. 1/50 on the £ on the first £400 of chargeable income. Therefore the taxpayer whose chargeable income today is £400 and who now pays at the rate of about Sh. 2/20 on the £, will receive relief at about 70 cents on the £. It is proposed that, broadly speaking, this measure of relief shall be reflected right through the income tax and surtax range, except for £10,000 incomes, in the following manner, and I am afraid I shall be technical for a

(Mr. Troughton) moment or two. At present the rate of income tax increases by one-eighth of a cent up to a maximum of Sh. 5 in the £ on the whole of the chargeable income. It is proposed that the new rate should progress to Sh. 3 in the £ at a chargeable income of £1,600, and that the excess over £1,600 only should be charged at Sh. 5 in the £. That will have the effect of ironing out the income tax curve.

Regarding surtax, a further modification is proposed. I will not go into details of the lower stages for reasons I will explain in a moment, but this surtax will progress up to Sh. 7 in the £ at an income of £9,500. Our present surtax has got another flaw in that it does not make proper provision or special provision for ensuring a proper contribution to revenue by those people whose incomes are over £10,000 a year. That flaw arises for the reason that when the existing rates were fixed, there was no evidence that anyone in East Africa had an income of that order. Now the position is reversed and, as a matter of fact, there are a few people in that extraordinarily happy position. In order to ensure that those people make a proper contribution to revenue, it is proposed that incomes between £9,500 and £20,000 should pay at the rate of Sh. 10 in the £ surtax on the excess over £9,500. That would cover up to £20,000. But there are some incomes higher even than that, and it is proposed that the next £30,000 of income should bear tax up to Sh. 10/50 in the £, and anything over £50,000 pay Sh. 11 surtax.

This is difficult and complicated to explain, and if I were to go into more detail I should put hon. members to sleep! But, nevertheless, taxpayers want to know how that affects them, and they will certainly not be able to work it out from listening to me. So I have arranged for a statement showing the effects of the proposed alterations to be made available from the Clerk of Council on the adjournment. I must make it clear again that the details are not final. There may be further discussions with East African Governments, and I can give no undertaking, express or implied, that precisely these reductions will be incorporated in legislation, but I can give an express undertaking that Government intends to introduce relief of this order.

To ease hon. members' curiosity, let me give just two examples. A married man with four children on a total income of £1,500 a year, would get a reduction of £25 15s. 6d., or 26 per cent of the total tax paid. A married man with two tiny children not old enough to go to school and getting £700 a year, would get relief of 25 per cent of the total tax; that is, it would come down from Sh. 460 to Sh. 345, a relief of Sh. 115.

The whole of this relief will cost the revenue probably upwards of £100,000 in a full year. That, with the £200,000 given last year, makes a total relief given in respect of income tax since hostilities of £300,000, or approximately a quarter of the war time yield. In giving this relief Government feels that it is right and proper that it should be substantial. I must, however, give a clear warning, that it may not be possible to maintain relief of this order during future years. The estimates of recurrent expenditure, as I have pointed out, are increasing. The continuance of the development programme will mean a further increase, and I should be surprised if a further increase in taxation and possibly a further increase in income tax, can be avoided next year or the year afterwards. The estimates in hon. members' hands reflect the relief for next year but not the £10 proposed in respect of this year's tax. That will cost a further £50,000, so that the deficit on the estimates as presented to you amounts to £130,000 odd.

That, Sir, completes the story. I think that the Government is justified in budgeting for a relatively small deficit and in giving the measure of taxation relief proposed. I hope that the restrictions in imports with which we are faced now will not last for any very long time, and that our trade and customs revenue will provide a reliable index of the country's prosperity, and that the days of artificial restrictions on trade will come to an end before many more years have passed. (Applause.)

MR. FOSTER SUTTON seconded.

The debate was adjourned.

ADJOURNMENT

Council rose at 11:27 a.m. and adjourned till 10 a.m. on Tuesday, 4th November, 1947.

Tuesday, 4th November, 1947

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 4th November, 1947.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 3rd November, 1947, were confirmed.

No. 83—FENCING ORDINANCE COMMITTEE

MR. NICOL (for MR. HOPKINS):

Will Government please state when it proposes to take action on the report of the Fencing Ordinance Committee which was submitted to it on 19th September, 1946? May it also be stated why Government has not given effect to the committee's recommendation that the fullest possible publicity should be given throughout the colony to the recommendations of the committee?

MAJOR CAVENDISH-BENTINCK: The Government expects to make a decision in the near future regarding the recommendations of the Fencing Ordinance Committee. Government fully appreciates the wish of large sections of the farming community to implement the Fencing Ordinance, but it was not possible to reach any decision as to how and when these recommendations could be implemented until a detailed examination had been completed of the financial liability which would fall on the Government, the K.U.R. & H., District Councils and Local Native Councils, and also of the manner in which individual contributions of costs involved could be enforced in the event of the Ordinance being applied. This examination and consequential estimation has proved long and complicated but has recently been completed. As regards publicity for the recommendations of the Fencing Ordinance Committee, a statement which included the recommendations of the committee was circulated to chairmen and members of Production Committees who attended the Production Conference in February, 1947. Copies of this statement can be supplied to persons interested on request.

INCOME TAX (NON-RESIDENTS' ALLOWANCES) (AMENDMENT) RULES, 1947

MR. MUNDY: Mr. President, I beg to move: Be it resolved, that the Income Tax (Non-Residents' Allowances) (Amendment) Rules, 1947, shall come into operation, with effect from 1st January, 1947. The income tax allowances to non-residents are granted under rules made by the Governor in Council under section 25 of the Income Tax Ordinance. In the case of individuals residing in the United Kingdom the allowances are £160 for a single man, £208 for a married man and £40 for a child. Until April this year the effect of these allowances was that, in the case of persons living in the United Kingdom, the Kenya tax was less than the United Kingdom tax, but under the double income tax relief arrangements the whole of the Kenya tax was wiped out and the liability of the United Kingdom resident was in fact restricted to the higher United Kingdom tax.

In April this year the personal allowances granted in the United Kingdom were increased, for earned income from 1/8th to 1/5th; the personal allowance for the married man from £140 to £180, and the child's allowance from £50 to £60. The effect of these increased allowances is that in a certain range of incomes—the smaller incomes—the Kenya tax is now higher than the United Kingdom tax. That was never intended, and the effect of these short amending rules is to increase the personal allowance of the married man from £208 to £216, and the child allowance from £40 to £50. The effect of these amendments would be to keep the Kenya tax lower than the United Kingdom tax, so that the person residing in the United Kingdom will still only pay the higher tax, which is the United Kingdom tax.

Similar rules will be or have been passed in the other three East African territories.

MR. HOBSON seconded.

The question was put and carried.

IMMIGRATION (CONTROL) BILL

SECOND READING

MR. FOSTER SUTTON: Mr. President, I beg to move: That the Immigration (Control) Bill be read a second time.

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In addition to that, we have had passing through this country, and through Tanganyika and Uganda, many thousands actually stationed here—Poles and Italians—in camps in Kenya, Tanganyika and Uganda, and there are a large number of these persons now who have gone home and who wish to return to Kenya. Many of them, I have no doubt, will eventually gain admittance, as hon. members are no doubt aware that the Government has already agreed to admit quite a fair number of Italian artisans, skilled persons whose services we are desperately in need of, but we are now in a position, as I have said, to control admission. In the new year, unless we do something about it, they will be able to come in under the old Immigration Ordinance, Chapter 62 of the Revised Edition, and under that, provided they do not come within the orbit of prohibited immigrant, they can come in here without any let or hindrance, provided they can put on the counter a certain sum of money. In short, there is practically no control, certainly no effective control. That, I think, if all I need say about the external problem.

Now I come to what, in Government's view, is the internal one. I am going to deal with a fair number of figures, because I think hon. members are entitled to a full explanation of the Government's reasons for this legislation.

The African population of this country in 1923 was approximately 2,535,000. I say approximately, because we have not had a census but, as hon. members are no doubt aware, we are having a census, we hope, early in the coming year, so that all the figures regarding the African population are only approximate. They are based on figures supplied to Government by district commissioners, and the district commissioners obtained their figures from the hut counters, who are constantly going round in the districts all over the colony counting huts for the purpose of poll tax. They are, I think we can say, reasonably near the mark, but they may be out to the extent of several hundred thousand.

In 1947 the African population had increased, again an estimate, to something between 4,500,000 to 5,000,000.

You will see from these figures that there has been, since 1925, an increase in the indigenous population of this country of upwards of 1,500,000 souls. The reasons for the increase are obvious: better health conditions, more orderly administration, but chiefly, I think, it is due to the introduction of considerably better health measures. There are other reasons, such as the almost complete abolition of some of the rituals of the Kikuyu; and there are a number of other contributory reasons. The increase in the African population has been a gradual one, and it presents a problem which is increasing as we go along. Owing to pressure on the land, the African population will have to find, a large number of them, an outlet in other directions, and many of them are already finding that outlet. In 1925 there were approximately 24,531 African males at Government and privately owned schools. At the end of the last term in 1946 that number had risen to 133,220 males, and there were at the end of that term 46,818 African girls at school, making a total of over 180,000 African school children. Under the development scheme, as hon. members are aware, the tempo of education is scheduled to increase at a very rapid rate, so that we must expect in the future these figures to double and treble themselves.

With education, quite naturally people begin to think a little more, and they begin to have higher hopes for themselves and their families, and there can be no doubt in my mind that the pressure to come out of agricultural areas and to go into trade and industry is going to increase more and more as education increases. During the war there were thousands of Africans who were trained in various trades by the army. The Government, in order to make a large number of those men efficient enough to take up employment in commerce, created Training Centre B at Kabete, and there, ever since the war ended, a large number of Africans have been undergoing training. A large number of them have been sent out and are now in lucrative employment. In January of next year it is Government's intention that the short-term policy in regard to Kabete B shall be changed into a long-term one. It is at present under the Director of Training, and it is intended that it shall be transferred to the

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Director of Education and a long-term policy will be instituted. It is hoped then to start admitting African youths who have just left school for the purpose of long-term training as artisans in various trades. We are expecting to complete the training of ex-Service men by, I think, March, 1949. By 1952 we hope to have that training centre filled to capacity, which at the moment is 450, so that by that time we shall have approximately 540 training there as artisans, and the intake and output each year is estimated to reach by 1952 each year 100.

I mention these figures because I think it important that hon. members and the country should realize that the indigenous population of this country will to an increasing extent be in a position to take up employment in vocations other than agriculture, and they have a right, I venture to submit, to demand that their interests should be properly looked after and protected. (Hear, hear.)

I did not make one point, and if hon. members will pardon me I should like to go back to it, and say this in connexion with what I said about population. It must not be lost sight of that the immigrants I have been talking about from abroad, in the main, are persons who would ultimately compete, directly compete, with the indigenous population as artisans, and that point is one that must not be lost sight of.

It may well be that in the light of experience the training facilities for African artisans will have to be materially increased. At the moment it is impossible to do so through lack of accommodation, and lack of qualified personnel to do the training.

There is at the present time a fairly large unemployed African population. I do not say that is necessary, but it is a fact, and we have got to face up to it, that in the urban areas, in Nairobi for instance, if you go to the labour exchange you will find there between 100 and 200 men every day applying for employment. The great bulk of such men are untrained, unskilled. Many of them could obtain employment if they wished to do so, but the fact is it is all very well people saying "Why are they there?"—in every country in the world there is a

tendency for people to move towards the cities, and it is a problem that we have to face up to. Government has its views as to the proper and best method of dealing with it, but it is not an easy problem to deal with. Apart from the urban areas, one can say there is, and ought not to be, unemployment among Africans.

Leaving the African population, I come to the Indian. In 1911 there was a census, and the Indian population of this country at that census was found to be 10,651. In 1931 there was another census, and that population was found at that census to have increased to the figure of 39,644. In January, 1947, hon. members will remember when the Series B ration books were issued, we made an effort to ascertain as near as may be the immigrant population of this country. The figures I am going to quote now are the result of the check that was made during the issue of those ration cards, and I think they are reasonably correct. If they are not correct, all I can say is there must have been some phone work going on. (Laughter.) In January, 1947, the population had increased to 78,588. In other words it had nearly doubled itself in the last 16 years. Some of that increase can be attributed to new immigration, but a very large amount of the increase can be attributed to natural increase.

Those figures I have just given are for the Indian population. In addition to those figures, it might be of some interest if I give you the figures of other races. The Goan population in 1911 was 1,136. Those figures are accurate, and were taken at the census held that year. In January, 1947, they had increased to 5,993. In 1911, the Arab population of the country was 9,100, and in January, 1947, it had increased to 21,026. The other immigrant population, consisting of 130 Chinese and other nationalities, in 1911 was 99, and has now become 2,575.

I think that from those figures it is only a matter of simple arithmetic to show that in a very short space of time the immigrant population has more than doubled itself, and there is no reason to expect that the rate of increase is likely to diminish.

In 1926 there were 1,847 Indian male children at schools in this country; at the end of the last term in 1946 that number had increased to 8,566. In addition to

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 that 8,500 odd Indians, there were 848 Goans and 804 Arabs at schools in this country. Those figures take no account of the fairly considerable number of immigrant children of those races who are not being educated in this country at all, who are being educated abroad, so that they do not represent the complete picture. I mention those figures because I think it is vital for people to appreciate the fact now that, as time goes on, there are going to be more and more children leaving school who will have to find a place and find a living in this country. They are born here, they regard it as their home, and are entitled to look to Government for protection. They are entitled to expect Government to so regulate its affairs that when they are ready to come out into the world and earn a living not every single job that would otherwise be open to them is occupied by aliens from abroad. It says aliens meaning, of course, from any country, whether it happens to be a country of the British Empire or anywhere else. I do feel that the people who have made this country their home are entitled to expect proper protection from the Government.

The European position is also interesting. In 1911, a census was taken of Europeans as well, and there were 3,173 in this country. In 1931 that figure had risen to 16,812, again based on census figures. In January, 1947, figures based on the ration book issue were 23,284. There again was a considerable increase in the immigrant population. In 1926 there were only 677 European males at school in this country; at the end of the last year in 1946 there were 1,674 males and 1,412 girls, making a total of 3,086. A very large number of both those figures will ultimately have to be absorbed into trade, commerce, and agriculture in this country.

I am afraid hon. members must have found those figures rather boring, but I think it was necessary to make them public so that Government can absolve itself from the accusation that has been levelled, that there is really no reason at all for any control of immigration into this country. It has been urged that economic conditions will regulate immigration. All I can say is, let us hope that may be true, because if it is true enacted into law, of the immigration

it will make the task, if this legislation is authorities very much simpler. But I do not believe it. I believe that without strict and very definite control we shall find ourselves inundated with immigrants, and this is a problem, I would urge, which should be taken completely out of the racial atmosphere. (Hear, hear.) We are all interested, all the people here who have made Kenya their home are interested, in the orderly and progressive, but orderly, development of this country, and it cannot go on in an orderly manner if we have no control over the people who can come in.

A large number of the intending immigrants would compete more directly with the Indian population than with the European, because if you look at the figures published recently by the Governors' Conference, which are extremely useful, you will find something like 59 per cent or more of the European population are engaged in agriculture; the great bulk of the Asian population are engaged in trade. Moreover, I think the indigenous population, the Africans, are vitally interested that some very definite control should be instituted. If it is not, it seems to me that any future progress for them will be considerably hampered.

I think I have said enough about the reasons why Government feels justified in asking this Council and the country at large to support a measure along the lines of the one now before Council.

Turning to the bill, I was not proposing to go into it in great detail. As I have already told hon. members, it was published in April, 1946, again in April this year, and I think most of us are heartily sick of debating it, but I will draw attention to those provisions to which I think particular attention should be directed.

First of all, I would refer hon. members to clause 1, which expressly excludes the indigenous population from the provisions of this measure. The reason for that was this. In consultation with the representatives of the other territories, immigration representatives and our own, we came to the conclusion that it was impracticable to apply this legislation to the indigenous population of Kenya, Uganda or Tanganyika. It would, of course, be possible to apply it to countries further afield, but the

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 amount of immigration of Africans into Kenya from other countries is practically nil. The immigration between Kenya, Uganda and Tanganyika is very small; it probably balances itself out in the three territories.

Fears have been expressed ever since the publication of the bill that we were attempting to interfere with permanent residents in this country. Well, I have no hesitation in saying that there is no such intention, and that there never has been any such intention. It would be wrong and foolish to attempt to interfere with the entry or return to this country of people who have made it their permanent home. In that connexion I would refer hon. members to clause 2, the definition of permanent resident. First of all, it means "a person born in the colony", (b) "a person who permanently resides in the colony", and (c) a person who is in possession of a valid, or is entitled to be issued with a certificate of permanent residence issued under the provisions of any regulations made under the measure.

As regards (b), I have been pressed from time to time to define what is permanent residence. I have resisted any such action from the very beginning, because I do not believe it would be sound to attempt to do so. The question whether a person is a permanent resident or not is a question of fact, and a lot depends on what is in a person's own mind. How on earth you can set about defining what is in a person's mind I do not know. If you do it, you will find you are creating considerable hardships. For instance, much against my better judgment, under pressure, in the original bill we attempted to define what a permanent resident was, and we found a day or two after the publication of the definition that we had excluded all sorts of people who had their homes here and had every right in the world to come back here, whose permanent home it was.

The object of introducing into this measure the suggestion that a certificate of permanent residence should be issued was to facilitate the public. We hope, and trust, that every person in this country will not rush round to the immigration authorities when this legislation becomes law and ask for a certificate of permanent residence, but it will be a document proving that a person is a

permanent resident and will facilitate re-entry into the colony if a person leaves.

We have also provided for re-entry under the regulations by means of a re-entry pass. That again is to facilitate the public, so that when they get a passport the immigration authorities will simply stamp on it a re-entry pass or, if you satisfy them you are a permanent resident, will stamp on the passport a certificate to that effect, which will carry you in and out without any further formality so long as the certificate is valid.

Clause 4 seeks to confer certain powers on immigration officers. Under the first bill, those powers were very much wider than the powers set out in this new clause. In the light, particularly of representations made by the deputation which came here from the Government of India, the powers were considerably modified. What is set out in this clause is considered essential if the measure is to be properly administered by the immigration authorities. Any whittling down of them, I think, will considerably weaken the administration of the law.

Then clause 5 contains a definition of prohibited immigrant, and again I draw attention to the provision in line 1 of sub-clause (1)—"the following persons, other than permanent residents". In other words, clause 5 cannot and never will, apply to any person who is a permanent resident of this colony. Against a decision of the immigration officials under clause 5 a right of appeal is given, and that right of appeal is to be found in sub-clause (4). It is in the first instance to a magistrate of the first class, and if the person concerned is dissatisfied with his judgment that person has the right to go to the Supreme Court, and it is considered that should end the matter. If the Supreme Court decides that a person is a prohibited immigrant, Government feels it should be an end of the matter, and that it should not be possible for a person to go on *ad infinitum* to the East African Court of Appeal and Privy Council.

Clause 6 is the clause which prohibits the entry into the colony of any person who is not in possession of a valid entry permit or pass issued under the regulations entitling that person to enter for a

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able to include in sub-clause (2) a provision exempting serving members of His Majesty's Forces and their families from the provisions of sub-clause (1), accredited representatives in the colony of any country within the British Empire and the members of such persons' staffs and their families. That, of course, would apply to representatives like the South African Trade Commissioner and similar representatives of other dominions. It was felt that that concession and courtesy should be extended to those individuals. (c) of sub-clause (2) seeks to exempt any person accredited as a diplomatic or consular representative to the colony, and members of such person's staff and household, and I would draw attention to sub-clause (3), which provides that if anyone of those persons ceases to occupy that privileged position under which they obtained entry, then they are deemed to be persons seeking for the first time to enter, and they will then have to apply for an entry permit the same as any other individual.

Clause 7 is really the vital one, and that is the one which I apprehend most of the debate will centre around.

Sub-clause (1) sets out the qualifications required by any person before they can enter this country. Class A (i) includes a permanent resident and (ii) "a person who is in possession of a valid certificate of permanent residence issued to him under the authority of the Government of the Tanganyika Protectorate, the Uganda Protectorate or the Zanzibar Protectorate". I think, as there will no doubt be considerable debate about that provision, it would be as well for me to deal with it fairly fully now.

The object of it was this, to make inter-territorial movement in so far as permanent residents of Tanganyika, Uganda, Zanzibar, and Kenya were concerned free of restriction. That was the object of it. It was pressed for particularly, in the first instance, I believe I am right in saying, by Uganda. I realize that a provision of that nature, having regard to what has occurred in Tanganyika, may well present some danger, and I say that because I do not wish it to be said by anyone hereafter that I have attempted to conceal the fact that it does present a problem. It is a

problem which I have no doubt can be ironed out when the select committee comes to consider the bill.

The debate was adjourned.

Council adjourned at 11 a.m. and resumed at 11.30 a.m.

The debate was resumed.

MR. FOSTER SUTTON: Sir, I am very much indebted to my hon. friends the members for Nairobi, South and North for drawing my attention to the fact that I made a mistake in my reference to clause 1. What I stated to be the case was included in the original bill, and I am afraid I was guilty of using the two bills when checking up on clause 7 (1), and I got it fixed in my mind that we had retained it. In point of fact, we decided to get rid of the exemption of natives in clause 1 and to exempt the indigenous population of the country under paragraph (h) of clause 12. There were several reasons for that. One is that for a long time past the members representing African interests in this Council have been pressing Government to get rid of the use of the word "native", and we have given a definite undertaking that when the revision takes place we will do something about it. That was one reason why we took out the word "native" here. The word is also linked up with the Interpretation of Native Ordinance, which is, we considered, too restricted. We wanted to be able to exclude all the indigenous population under clause 12 (h), and we should extend, and if necessary restrict, the definition of "African" in the regulations themselves.

Now I wish to deal with clause 7 (1). There has been some debate over the provision in Class A (iii), which seeks to exclude persons in the service of the Government of the Colony or the Kenya and Uganda Railways and Harbours Administration. It was considered that, if the Government wished to bring in officers for the administration of the country, they should not be subjected to all the provisions and paraphernalia required under clause 7 (1).

For the benefit of those who so vigorously criticized the monetary provisions in Classes B to H, I would draw attention to the fact that, in the light of all the representations that were made, the amounts have been considerably reduced. In the case of Class B, the

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amount has been kept the same, but we have introduced a certain degree of flexibility by keeping the figure at £800, but adding "or such lesser sum as such prescribed authority may determine". The object of that, as I say, is to introduce a certain degree of flexibility into the paragraph. That is to be found in paragraph (ii) of Class B. In Class C—a person wishing to come into the country for the purpose of mining—the capital amount required has been reduced from £1,000 to £800. In Class D, which refers to persons wishing to come in to carry on trade or business on their own account, the original amount stood at £2,500, and that amount has now been reduced to £800, and a further degree of flexibility was introduced—"or such lesser sum as such prescribed authority may determine".

It may be a little tedious to members to be told every time why we do these things, but I think probably in the long run it will save time. The reason for introducing the flexibility was this. It was urged that certain types of traders would not require £800 capital to set up in business. Take a shoemaker, or a person who is opening a small garage and who is merely doing mechanical work, and there might be—and no doubt will be—cases where a person is required in some area in the colony who can be usefully employed there, but who will not have £800, and the idea was, as I say, to make the thing flexible so that we will not keep out people who may be needed here in the future.

Class E—a person intending to engage in manufacture on his own account—the original figure stood at £10,000, and that, again, has been reduced in the light of representations made, to a figure of £2,500, and, again, the same degree of flexibility has been introduced in paragraph (ii), enabling a lesser sum to be provided if the circumstances warrant it. Then Class F: no amount was ever put in. This refers to professional men. It is a very difficult one, and I do not think it is possible to say very much about it at this stage. I think it will have to be determined in the light of experience gained in the future. Class G remains the same as it was before, and Class G deals with persons who wish to come in for the purpose of taking up employment

and in respect of whom no capital sum is required.

A person who is refused an entry permit under Class A is given the right of appeal against the decision to the Supreme Court—that is, a person who alleges that he is a permanent resident. That was thought to be a proper case for a judicial decision. As I said before, it is a question of fact, and it was considered that the courts would be the proper forum to go into a matter of that kind. In the cases of Classes B to H, if a permit is refused, a right of appeal is given, but the measure seeks to take it out of the orbit of the courts and make the appeal to a tribunal which would be prescribed under the Regulations.

I have maintained my attitude on this matter from the very beginning. I have always said, and I still adhere to my view, that cases falling within Classes B to H are matters for the Executive, and a body appointed by the Executive, I venture to submit, is a more suitable one than the courts. If hon. members will turn to the classes they will see that there is provision in each one of them, whether a person comes in to mine, or to engage in trade, or to take up a job, whereby he has to show will not be to the prejudice of the inhabitants generally of the colony, so it seems to the Government that a matter such as that can be more appropriately decided by a tribunal appointed by the Executive than by the courts.

Clause 8 was inserted in an endeavour to get away from some of the formalities required when the measure is being administered. A person who gets an entry permit will, under clause 8, be able to have the name of his wife and family, in the case of children under age of 16 years, stamped on his own passport, and that means that they will not require to have separate permits. The whole family, if a man is allowed in and if he has got a family, subject to the age limit, may be entered on the father's and husband's entry permit.

Clause 9 seeks to confer powers on the Governor to deport prohibited immigrants. Clause 10 is merely an administrative clause and follows on clause 9. Clause 11 sets out what are offences under the Ordinance and

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Regulations, and provides penalties for those offences.

Clause 12 is the clause which seeks to confer upon the Governor in Council power to make regulations. These have been made as wide and flexible as possible. I have no doubt that some criticism will be directed against them, particularly paragraph (h). It is not an endeavour on the part of Government to legislate by regulation, but I think that when this measure eventually becomes law—if it ever does (laughter)—we want to be able administratively to alter our procedure in the light of experience, and it certainly is a very much more satisfactory method of doing it than to have to come back to Council every time. We might find something wrong. Legislative Council might not be sitting, and we might have to wait and probably cause considerable hardship while we are so waiting. I do not think that, if the various paragraphs are carefully examined, there is anything members can reasonably object to, except possibly the provision in clause (h) which may be thought to be rather wide.

Clause 13 enables the Supreme Court to make rules governing appeals to a court under the provisions of the measure, and Clause 14 seeks to repeal the present Immigration Ordinance, Chapter 62, and there is an important proviso there, which reads: "Provided that any person whose presence in the Colony is unlawful under the provisions of the Ordinance hereby repealed shall be deemed to be unlawfully in the Colony for the purposes of this Ordinance." That is to protect the position, because we know perfectly well that there are a certain number of people who are unlawfully in the colony at the present time, and some of them are people who it may be found desirable to get rid of.

I am very much obliged, with respect, to you, sir, and to hon. members of this Council for their forbearance in listening to my rather long and tedious statement on this bill, but in conclusion I do wish to emphasize that there is no hidden motive behind it. I would again ask that members try their level best to forget any racial prejudice, forgetting anything that has happened in the past. This is a genuine effort on the part of Govern-

ment to introduce a measure of control which we honestly believe is in the interests of all the people of this country—the indigenous population and all those people who have immigrated to it from abroad and who have made it their home. Every effort will be made to administer it fairly and in accordance with justice, but I do say that, without it, we shall have, for all practical purposes, no control at all, and I think we would be doing considerable hurt to future generations of this country.

MR. HOBSON seconded.

SIR ALFRED VINCENT: Mr. President, I am certain that hon. members of this Council are deeply indebted to the mover for the very careful and clear way in which he has taken us through the reasons for this bill and its respective clauses, but, while supporting the principle of an Immigration Bill, I am of the opinion that this bill, in one particular instance, is most dangerous to Kenya and also, for that matter—or perhaps they have overlooked it—to Uganda. The bill itself is contentious in many ways, and the hon. mover has touched lightly upon the clause to which I take the strongest possible exception. This legislation, to all intents and purposes, is to be agreed legislation between Uganda, Tanganyika and ourselves, and when examining this bill I think it is absolutely imperative that we examine it in association with the agreement which has now been ratified, or agreed to, by U.N.O. General Assembly some months ago between Tanganyika and U.N.O., and we must take cognisance of its implications. Therefore, in association with this bill and with the principles enunciated in it, I wish to quote the relevant clauses concerning immigration contained in the agreement between Tanganyika and U.N.O.

The two articles of this agreement which affect the principles of any immigration bill before us are Articles 9 and 10. I will quote the relevant part of Article 10 first, because it qualifies Article 9, and this is most significant. Article 10 of the agreement states:—"Measures taken to give effect to Article 9 of this Agreement shall be subject always to the overriding duty of the Administering Authority in accordance with Article 76 of the United Nations Charter to promote the political,

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social and educational advancement of the inhabitants of Tanganyika, to carry out the other basic objectives of the international trusteeship system, and to maintain peace, order and good government".

That qualifies the following paragraph, No. 9, which reads:—"Subject to the provisions of Article 10 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all members of the United Nations and their nationals and to this end—(a) shall ensure the same rights to all nationals of members of the United Nations as to his own nationals in respect of entry into and residence in Tanganyika, freedom of transit, etc."

Now I take it that it is quite impossible for legislation to be passed in Tanganyika which cuts across the agreement which has been made with U.N.O. Therefore, I suggest and consider that paragraph 7, which was alluded to by my hon. friend the mover, referring to Class A (ii), in the circumstances constitutes a great danger to Kenya. I will quote it as follows:—"Any person, other than a prohibited immigrant, who satisfies the prescribed authority that he belongs to any of the following classes shall, upon application being made in that behalf in the manner prescribed, be entitled to a permit to enter the Colony—(i) A permanent resident. (ii) A person who is in possession of a valid certificate of permanent residence issued to him under the authority of the Government of the Tanganyika Territory, the Uganda Protectorate or the Zanzibar Protectorate".

Although under paragraph 7 it sets out the various classes of immigrants who shall be entitled to a permit to enter Kenya after having satisfied the prescribed authority, we may be able to control administratively the entry of such persons to enter direct into Kenya. Yet Kenya will have no control, I submit, of movement from Tanganyika into Kenya at any time under clause 7a (iii), and there is nothing to prevent the Kenya population becoming completely unbalanced as a result of those who have gained entry in this way and who enjoy, as members of the United Nations, privileges in conformity with and pro-

vided by Articles 9 and 10 of the agreement between Tanganyika and U.N.O. I would also say this, that that also should hold for Uganda. As far as I am concerned it is no good Kenya having a preventative law for people to enter Kenya from Tanganyika and then for us to allow freedom of movement from Uganda, because unless Uganda has a similar law people can enter Uganda and cross over the border into Kenya!

Therefore I consider that this clause fails to conform to Chapter XI of the United Nations Charter, Articles 73 and 74 in the declaration regarding non-self-governing territories, of which Kenya is one, wherein the principle of safeguarding the interests of the inhabitants as clearly set out. The relevant part of Article 73 is as follows:—"Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end—(a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses".

I maintain that it is just as much our duty to safeguard the interests and the welfare of the inhabitants of this country as it is the duty of Tanganyika to carry out the terms of the agreement which they have made with the United Nations Organization.

There is one point I would like to make clear here, and that is this. When I refer to the inhabitants, I mean all the inhabitants of this country, and I would stress that it does not matter what colour or creed they are. As was mentioned by the hon. mover this morning, these people who have made their homes in this country and intend to stay here are the inhabitants of this country, and those are the people we are seeking to protect, and there is no racial issue as such in the point I am making this morning. (Hear, hear.)

[Sir A. Vincent]

I believe, and it is relevant, that the decision to throw Tanganyika under the United Nations Organization has created a very grave danger to the future peace of Africa. There is no doubt that Tanganyika will find it most difficult to resist demands from all sorts of members of the United Nations Organization, and when one says: "Well, they have the law and can do it administratively," we know what the result of pressure is, and especially pressure by large nations. I say it would be impossible for Tanganyika under their agreement with the United Nations Organization to take steps to have really rigid administrative control of persons who enter that territory. I say they cannot, and because Tanganyika cannot that should not debar or prevent Kenya from taking these powers, and I think it essential that we should take them.

Since the war we have so often been told: "Well, you cannot do that now under changed world conditions." But on reflection hon. members will appreciate that anything we want to do for our own protection, even if it has already been done by other members of the United Nations Organization, is often taboo, and any policy which those people wish to inflict on us, even if they do not carry it out themselves, we are expected to accept without demur. This habit of the principal members of the United Nations Organizations to say to others: "Do as I say and not as I do" is a strange basic type of democracy (Hear, hear), and I claim that this immigration law falls within that strange basis of democracy, and although I realize that other nations have followed Great Britain's lead in placing mandated territories which they administer under the United Nations Organization—with the exception, fortunately, of South Africa in the case of the old German South-West Africa (Hear, hear)—I also notice that of the very numerous territories which were detached, to use the official wording, from any states as a result of the 1919-1945 war to which also the trusteeship system applies, very few, if any, have been placed under the trusteeship system. Great Britain's hasty example appears to have been a source of amusement to those nations which gained territories as the result of the last war, while Britain's position becomes

weaker and more ludicrous as time goes on. The point I want to make is that we should now stop this lot.

Dealing with immigration laws, hon. members will know that the United States of America have, as a result of a great many years' experience, found it necessary to protect their inhabitants by very strict immigration laws. I can see no sign of any weakening of those laws in any way. Surely the proper thing we should have done was to examine what they have found necessary to protect America with, so that we could thus protect Africa. But this has not happened. If the British Government by their hasty action have prevented Tanganyika from following the experience of the United States, surely there is no logical reason that we should be dragged in their trail. There are also other members of the United Nations Organization which have very strict immigration laws. They should also be studied and the best adopted for Kenya to give the maximum protection to the inhabitants of Kenya as provided for us in the Charter. I am not suggesting that the iron curtain of the Soviet Republic should exist here, but even that we are entitled to examine to see if it is necessary for us to have such protection to protect our own people of this country. (Hear, hear.)

I am very much indebted to the hon. mover for the figures he gave us this morning. I think that with his usual conservatism he has taken great care not to overstate the case but, taking his figures—I think it was 60,000 applications in 1938 to 1940—I should imagine that under to-day's world conditions those figures might very well prove to be 600,000 applications to enter this territory. If they cannot get direct into Kenya, they would go through Tanganyika, and I repeat that I do not think Tanganyika could possibly resist the pressure of the larger nations, even though their first duty is to protect their inhabitants. But, according to the agreement which they have made with the United Nations Organization, apparently they have to help the other members of U.N.O. first, and, sir, if I am told they can resist U.N.O. pressure, I shall with respect refuse to believe it, because I do not think they can. In any case, we cannot have any appeasement in this matter. Kenya cannot afford to take the risk. It

[Sir A. Vincent]

is quite beyond that now, it is far too serious.

I therefore trust that when the report of the select committee comes before us, that clause 7A (ii) will be entirely deleted, that clause 7B shall be unable to support the bill, because in that particular clause the whole object of the bill as far as Kenya is concerned will be defeated (Hear, hear), and, as I have stated, there will in reality be no protection for the inhabitants of Kenya as a whole, because the back door will be open in Tanganyika. (Hear, hear.)

MR. COCKER (Central Area): Mr. President, it is my privilege, and I am using this word intentionally, to rise and oppose this bill on principle. For if I did not I would be failing in the discharge of my duty to truly represent the views of the preponderating majority of Indians living in this country. Right in the beginning allow me to make clear in no uncertain terms the magnitude of the seriousness with which the Indian community as a whole is going to stick to and defend its attitude it has adopted since previously. It may sound as a usual event in the routine of Asian objections, but the objection to this ugly snake—if I may be allowed to use the expression recently used in the Council by the hon. Chief Native Commissioner in reference to a clause of the Plewman Report—this ugly snake is raising its head, and this time very high indeed, to bite. But the objection to it which I am going to voice to-day and which may appear to some as a usual incident is an expression of genuine resentment which we have always felt and are feeling to-day about this bill.

The report submitted by the Government of India delegation which visited East Africa last year on the last Immigration Bill, clearly stated that the Indian communities of all four territories of East Africa were opposed to it. Perhaps as a result of that the bill was withdrawn and the amended version has come to replace it. The Government, however, does not seem to have paid any attention to that argument. They have completely ignored the main contention against the bill, that it was unnecessary to restrict further immigration, particularly that of Indians, and that go case for a change in the present immigration law had been made out.

A detailed examination of the bill shows that the most objectionable features underlining it have remained materially unchanged, as also the important clauses, and those which were considered to be absolutely unworkable or absurd have either been deleted or amended. The drastic nature of the proposed legislation is apparent, and which the hon. Attorney General has taken some pains to describe, and from the fact that if an immigrant has fulfilled the various conditions specified in the bill he may be turned down on the pretext that he is not able to prove that his engaging in any trade or taking up employment will not be to the prejudice of the inhabitants of the colony generally. I contend, and very strongly too, that the Indians by virtue of their past enterprise and experience and the great part they have played in the development of Kenya in particular and Tanganyika and Uganda in general are entitled to special treatment. Their claim in this respect is at least equal, if not superior, to any other immigrant race. I make bold to say that the claim of the Indians is based on the fact that they have contributed a very, very good share towards the development of this country, Kenya, under a debt of gratitude to the Indians, and one wonders if this is how that debt is going to be repaid.

It is not my intention to lay bare the past lengthy and unenviable record dating back to 1906 of the very strong opposition by a certain privileged, but very prejudiced, community, to the entry of Indians into these territories. The leaders of that section of the community are extremely shortsighted and completely blinded by selfish motives. I have to-day heard the hon. Attorney General using exactly the same arguments which were advanced by a prominent member of this Legislative Council about the end of 1933, when there was issued a statement of policy under the heading "Indian Policy". The only difference is in the personalities of the two persons, in the personalities of the two persons, in the phraseology, but the arguments are exactly the same. I will take the liberty of reading to you what that gentleman stated in 1933: "That uncontrolled immigration of the Indians into Kenya is not in the interests of either the native races or of the Indian community itself" (European elected members: Hear, hear.) I will go on: "Their

[Mr. Cocker] presence in large numbers will give rise to grave problems as with the advance of education the native tends to displace them as artisans, petty traders and lower grade clerks; and as the rising generation of colonists tends to compete with them in various spheres. We advocate therefore that a policy of restrictions based upon the country's economic needs be pursued and that the collaboration of the Indian representatives be sought in this matter."

During the following years the country was enveloped in a severe trade depression, and that agitation, which started in 1906, lay dormant; at least, it appeared dormant for a few years but was ready to flare up at any opportunity. We come to 1944, when the hon. Attorney General stated that the Defence Regulations to control immigration were introduced. At that time, the regulations were introduced on the pretext of shortage of housing and food supplies. Assurances were given by the highest authorities—and I want hon. members of the Council to please mark these words—assurances were given by the highest authorities that those measures were purely temporary war emergency measures. I say that the result, at least the net result, of that calculated agitation of the community to which I have referred as the prejudicial one, is now the appearance of this bill in its present form.

It is supposed to be, in outward appearance, non-racial in character, and even if I explored it to its greatest depth I could not find a single word racial. Yet the fact unfortunately remains that it is going to be applied on a racial basis. My remarks about racial basis are not accidental, they are based on facts and experience. Let us take the case of the permits issued to temporary visitors. The conditions applying are the same for Europeans and Indians, but what do we see? We see that a very small percentage of the Indian applications has been passed as compared to the very large percentage of the other class.

Let me deal with the argument which has been advanced time after time, although the hon. member has not advanced it 1 day, but having explained that the arguments advanced by him are the same, the only difference being the phraseology. I say they generally advance

the argument that Kenya has reached the extremity of its absorptive capacity. Let us examine the facts as they actually are.

Kenya has an area of 225,000 square miles and a population, even accepting the figure given by the hon. Attorney General, of a little over four millions. The density thus works out at about 16 per square mile. Surely an agricultural country like Kenya can support a population much greater, much greater. Agricultural countries like Denmark (laughter) are fully developed. They sustain a population of 350 to the square mile. It all depends on the equitable distribution of the country's wealth and a fair opportunity to everyone to effect his contribution. Sixteen thousand square miles of the area of Kenya have been reserved for the European farmer. What development has taken place so far? Just 10 per cent of that area has been developed, and the balance has been reserved for the future generations of white races. Even the sons of the soil, the indigenous Africans about whom so much lip service has been repeatedly expressed, are denied the right to own a piece of land in this the best part of their motherland. If artificial measures like these are cancelled, I submit, those measures which have been introduced solely in the interests of Europeans, undoubtedly Kenya can sustain a density of population of at least 100 per square mile.

Coming to the commercial side, let me put before Council one of the numerous resolutions passed by various bodies concerned in Kenya. This resolution was passed by Nairobi Chamber of Commerce, which consists mainly of Europeans; it appeared in the *East African Standard* of 27th November of last year: "That this Chamber views with grave concern the existing shortage of skilled artisan labour in the Colony, which shortage will now be aggravated by the withdrawal of ex-enemy aliens, and requests the Kenya Government to study its intentions concerning the recruitment of immigrant artisans to meet, on a reasonably economic basis, the needs of commercial and general development, in addition to the requirements of Development and Reconstruction Authority."

On 25th June this year a very strongly worded resolution by the Indian

[Mr. Cocker]

Chamber of Commerce was passed which I hope hon. members will allow me to read: "The recruitment of European personnel for the Development Plan is going ahead without respite and large numbers of European immigrants are already in the country on one pretext or the other. The Government have accepted the principle of the importation of skilled labour from an ex-enemy country, Italy, labour which is easily available in India as it always was. There is a great dearth of skilled workers for private and public development works. In the ordinary life of the mercantile community it is impossible to meet the demands for clerical and allied services in private business. The wages of artisans, tailors, etc., have reached figures which Government, the African and the public can ill afford. Development generally is at a standstill in all spheres of life and, with the oncoming slump the East African countries are in for a difficult time. Among many other reasons why this Chamber opposes any restriction on immigration are the absence of an official census of the population of East Africa without which all official guesses of population are fictitious. The natural resources of the countries and the national income has not yet been assessed, a necessary requisite for the estimation of the adverse impact of the economy of one group of people against that of the other."

There can be no doubt, sir, that there is no more qualified person to substantiate some of those views I have just read to you than myself, in my capacity of chairman of the Central Indian Man Power Committee, a committee which has to deal with scores of applications every month, every week, from the Government, from the chief banking concerns operating in Kenya, and from some of the leading commercial and industrial concerns, both European and Indian, to import clerks, accountants, book-keepers and, above all, skilled artisans, from India. It is fully realized by these various institutions—and I should like to repeat what I said in a previous speech in this Council—that India is about the only country in the world to-day, as in the past, which can supply in abundance the needs of this country as regards the services which I have already mentioned. Do you

seriously intend to restrict the immigration of this vitally needed man power at this stage of the country's development? Further, do you honestly believe—and I am repeating exactly what the hon. Attorney General said—do you honestly and sincerely believe that by passing this bill in its present form you will be serving the interests of this country truly and rightly? (EUROPEAN ELECTED MEMBERS: Yes.)—Is it necessary for you to be reminded of the valuable contribution, as I have already stated, made by Indians in the development of this country—a contribution of which we are rightly proud?

News was published in the local Press about the end of last year that Colonel W. H. Evans, Consulting Engineer to the Kenya Government, had gone to South Africa to recruit South Africans as civil engineers, plant operators, mechanics, work inspectors, builders and clerks, to work in Kenya. Salaries and clerks, may I inquire in this Council to-day what contribution the South Africans have made to the development of this country, both in labour and life, as compared to that of the Indian. (EUROPEAN ELECTED MEMBERS: They fought for us!) And perhaps you would say that the Indians did not (MEMBERS: Not the local ones!)

Other means have been tried, and to-day my hon. friend the mover has very ably tried to induce the Indians to extend a welcome to this repugnant progeny. In the words of a well meaning crafty uncle, they asserted that it is in the interests of the local youth—and we take it as the local Indian youth—that this bill is being introduced. They forget that a proper regulation of their invented discrepancies in the Indian Immigration Bill will be a logical reaction to the proper education and training of the Indian youth and to the provision of better terms of service. The Indian community, as a community, has no fear from that angle. Their views have often been expressed, and they expressed than in the report of the delegation of the Government of India.

The biggest farcical hoax—not to-day, I do not blame my hon. friend the mover of this motion—which has been invented and repeated so many times, is that the Indian stands in the way of African advancement. The Indian has considered

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as an unnecessary excrescence. Let me attempt to verify this widely propagated statement and see how far we can succeed in it. In the first place, let us consider the African artisan who is supposed to be competed against by the Indian artisan. An Indian carpenter, for instance, is paid from about £20 to £25 a month, and the African artisan round about £7. Now, will any contractor or employer deem it possible to employ the Indian in preference to the African, if the workmanship of the African was of the same standard as that of the Indian? I do not intend to disparage the work of the African artisan, but I do assert that he has got to learn a lot (MAJOR KEVRA: Who from?)—from the Government and from the Indian community.

THE PRESIDENT: I would ask the hon. Member for Trans Nzoia to comply with the ruling not to interrupt the speaker.

MR. COCKER: If the Government is the employer in this colony of the clerks or artisans, and if there is any discrimination, then that is the sole responsibility of the Government and the European, because the Indians have no say in formulating that policy. If the Indian to-day is preferred to the African, it is just because the Government cannot help it. But as consolation to my African friends, I would say that the discrimination is not only against the African, but it is against the Indian too in every Government department.

Secondly, the Indians have helped considerably in the training of Africans in manual occupations.

MR. COCKER: On a point of order, is the hon. gentleman in order in continuing his argument, which is based on a false assumption that this bill is aimed against the Indian? There is no end to his argument if that is so.

THE PRESIDENT: Provided the hon. member does not go beyond the bounds of relevancy, he may make as many false assumptions as he likes. (Laughter.) But the hon. member will, of course, observe in the bill, if he has read it, that there is no racial exclusion whatsoever. (Hear, hear.)

MR. COCKER: Mr. President, I thank you. I said in the beginning that my remarks were not accidental and that

they were based on facts and experience gained in the past.

THE PRESIDENT: May I interrupt the hon. member to say that it is getting beyond the bounds of relevancy to go into all your experience of the past. The question now is to discuss the principles of the bill which is before the Council. (Hear, hear.)

MR. COCKER: May I say, before I proceed further, that my opposition to this bill, which is based partly on the assumption that the African is competed against, or that the Indian will stand in the way of the African, is not irrelevant.

THE PRESIDENT: I did not hear you.

MR. COCKER: May I inquire, before I proceed further, whether the argument that I was advancing about the Indian artisan not competing with the African is relevant?

THE PRESIDENT: I do not quite see myself how it fully arises because, as I say, there is nothing in this bill, as far as I can see, to exclude any Indian artisan from coming into the country, provided he comes within Class C of section 7. (Hear, hear.)

MR. COCKER: I was going to say that a ramble through River Road, or Canal Road, or any similar road, would be an eye-opener. I must answer a question. Who is the African going to be taught by? My answer is that it was the Indian who took off his coat to teach the African to handle a saw, to oil a machine, or to turn a screw.

All my arguments have been based on my first stated remark that the Indian, by virtue of his past enterprise and experience, was entitled to special treatment under the immigration law.

Among the contributions which the Indians have made and are making to-day is one of the most benevolent institutions, the Indian Social Service League, whose activities are widespread and are known to everyone in the country, and who I am proud to say have recently started a mobile service to the usual towns and whose benefits are open to everyone—Indian, European or African. The various religious bodies have done, and are doing, quite a bit towards the enlightenment of the African, especially the Moslem instru-

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and placed under clause 12, sub-clause (b). I agree that its inclusion under clause 12 (b) gives a greater degree of flexibility, but I personally would have preferred that provision being made in the body of the bill. The hon. mover also made the point that I have insisted for a number of years that the derogatory term "native" should be removed from our legislation. That is quite right, but this is only one piece of legislation which would be added to the large amount of legislation that would have to come back for amendment when this word "native" is removed, and one more would not have given us a lot more headaches. I still submit that the point may be reconsidered by the select committee which will be appointed to go into the details of this bill, because I should like to make strong representation that the provision as included in the original draft be reinstated.

I do not intend to go into the details of this bill clause by clause, but I would sit down by just making one remark, and that is that in the past the Indian community has not been treated with justice, and that being so we are afraid of the future, and that is why we oppose this bill on principle.

MR. MATHU: Mr. President, I rise to accept this bill in principle. (Applause.) I do so because I believe Kenya has made great steps forward in many directions, but Kenya has lagged behind for many years in the control of immigration into this country. I think, therefore, that this bill puts Kenya higher on the list of points in the progress in international affairs.

The hon. Member for Nairobi South in his speech did say that the United States of America sound, through experience, that it was necessary to have strict immigration there in the interests of the United States and, as he pointed out—and rightly—I do not see in this bill the strictness that I should have liked to see in controlling immigration into this country. To my astonishment the hon. mover admitted, in his very words, that this bill contained no effective control—those three words "no effective control"—I put it to you.

MR. FOSTER SUTTON: On a point of explanation, I did not say that. What I did say was that the old Ordinance which this bill seeks to repeal contains no effective control. My submission all the way through was that what we wanted was effective control and that this measure does give it, if it is enacted.

MR. MATHU: I accept the explanation, but I still contend that the provisions in this bill could have been stricter than they are. That is the point I am trying to make.

The second point I should like to make is that in the draft of April last year, clause 1, it was specifically stated that the provisions of this bill did not apply to the indigenous population. The hon. mover did explain why that was deleted

and placed under clause 12, sub-clause (b). I agree that its inclusion under clause 12 (b) gives a greater degree of flexibility, but I personally would have preferred that provision being made in the body of the bill. The hon. mover also made the point that I have insisted for a number of years that the derogatory term "native" should be removed from our legislation. That is quite right, but this is only one piece of legislation which would be added to the large amount of legislation that would have to come back for amendment when this word "native" is removed, and one more would not have given us a lot more headaches. I still submit that the point may be reconsidered by the select committee which will be appointed to go into the details of this bill, because I should like to make strong representation that the provision as included in the original draft be reinstated.

I have already observed that this bill does not give the strict control of immigrants that I should have liked. The hon. Member for Nairobi South has drawn the attention of this Council to clause 7. (1) (ii). I agree with him, and I do hope that when the select committee sits and deals with this bill (b) that they will consider the point raised by the hon. member.

I should like to deal with two further points. Firstly, the hon. mover did say a lot of things I should like to have said in regard to the position of the African population in this colony. I do not want to err on the side of repetition, but I would like to say this, that the African is looking to Government to give him every protection possible in political affairs, economic affairs, and in social affairs, so that there is employment for him in Government departments. At the moment, I would like to say, African civil servants have had bitter experience because they find that they cannot advance to the extent that they should in Government departments. The same thing exists in regard to the workers in the Public Works Departments where their legitimate condition is such that their legitimate aspirations do not find a place, and if this bill can do what I am suggesting it should, give scope for the African population in this land to get employment in Government departments and elsewhere, it will have done a great service to this country.

[Mr. Mathu]

One further point. A lot has been said about the African in trade and business. Hon. members are aware that the African, as I said in this Council during the debate on the Plewman Report, has come forward to take up trading in this country, and I do know that his experiences are not very pleasant and that the competition is such that he finds it extremely difficult to make ends meet. The competition is too great, and in my submission and that of the African population of this country, all efforts should be taken legitimately to protect him from anything that directly stands in the way of his economic development. The African people have been referred to, I should like to say that it is up to Government to see that the African is trained properly to take his place as an artisan in this country. The hon. mover and I myself do know that good beginnings have been made to train him as a technician in the N.I.T.D. and other places, but I should like to say that I regard it all as inadequate.

The hon. member who has just sat down did refer to the fact that the workmanship of the African can be questioned and that he is ruled out of the building trade because his workmanship may be of a lower standard than that of the Indian artisan. That is the point which I should like to see bettered, for if it is true it is an indictment of Government and the training system of the African technician should be overhauled.

THE PRESIDENT: I must point out to the hon. member that, this debate is limited to the principles of this bill, and I do not think that that allows a general discussion about social questions of employment and so forth, which I understand the hon. member to be addressing Council upon.

MR. MATHU: Thank you, sir. The point I was making was that the hon. mover did refer to the fact that the African artisan would be ousted by immigrant labour which came to take up that employment. That is my point.

THE PRESIDENT: Well, if it is the general opinion of the Council that that is the kind of thing which should be discussed on this bill I, as almost the newest and youngest member, would agree, but it is not what I think is relevant.

MR. COOKE: On a point of order, I think you, sir, gave a great deal of latitude to the Indian member, and the hon. African member is replying to his points.

THE PRESIDENT: The hon. African member heard me point out to the hon. Member for Central Area that he was getting beyond the bounds of relevancy. Therefore, he ought to remember that ruling and not take advantage of anything I allowed the hon. member to say.

MR. FOSTER SUTTON: I would wish the greatest respect support which was said by the hon. Member for the Coast. I understand that the speaker is merely pointing out the effect of the measure, that it should aim at protecting the artisan, and although he may have taken a little latitude I would respectfully say that I think up to date he has been relevant.

MR. MATHU: I am sorry if I went over the border of relevancy.

THE PRESIDENT: All I have to say in conclusion is that if in every debate in this Council every possible thing that can be dragged in it to be allowed to be dragged in, public time will be unduly taken up (hear, hear), and I would ask hon. members to remember in general that they should speak to the subject, which in this case is simply the principles of this bill.

MR. MATHU: I agree, sir. As a matter of fact, I was almost about to sit down.

My final point was that the previous speaker did say he expected Indians to receive special treatment in the provisions of this bill, and I say, without dragging every point into the subject as you commented, that the African community say that the Indian community of this country are already receiving special treatment in every direction by Government.

I said I support the principle of this bill, and in conclusion I should like to say that when the bill is before the select committee I should like to see the question of exemption of the indigenous population removed from Regulation No. 12 and embodied in the bill itself, as it was in the draft bill of April last year.

With those remarks I support the motion.

MR. NICOL: Mr. President, I rise to support the principles of this bill, but I should like to associate myself particularly with the remarks of my hon. friend the Member for Nairobi South. I, too, think that clause 7 (1) A (ii) is a most dangerous clause, and I sincerely trust that when this bill comes back from the select committee that clause will have been taken out.

There are one or two detailed points I should like to touch on: for the consideration of the select committee. First of all, if you read clause 5 (3), with clause 11 (5), you will see that clause 5 (3) states: "Any person who enters the Colony after the coming into operation of this Ordinance who, at any time before the expiration of four years of such entry, is found by the Principal Immigration Officer to be a prohibited immigrant shall be deemed to have been one at the time of such entry". If you turn to clause 11 (5) you will see there that "where any prohibited immigrant enters the Colony from any ship, aircraft or vehicle, whether or not with the knowledge of the owner or person in charge thereof, such owner and person in charge shall be guilty of an offence and shall be liable upon conviction therefor by a magistrate of the First Class to a fine not exceeding £150 and the ship, aircraft or vehicle may, by order of the court, be detained until provision has been made by the owner or person in charge, as the case may be, to the satisfaction of an immigration officer for the conveyance out of the Colony of such prohibited immigrant". That means that the master or owner of a ship, aircraft or vehicle is going to have the sword of Damocles hanging over his head for four years until the immigrant has established himself as being, shall we say, a decent chap and allowed to remain in the Colony. I do not think that is quite fair, and I ask the select committee to put in some proviso to exonerate the owners of ships, aircraft or vehicles in taking clause 11 (5) with clause 5 (3).

There is another point which I have been asked to raise, and that is when a ship arrives, say, at Mombasa, and a prohibited immigrant, or an immigrant who is deemed to be a prohibited immigrant by the immigration officer, is on board, it is the ship's responsibility to see that that immigrant does not get

ashore. That is fairly easy with certain types of passenger ships, but in the case of ships which carry deck passengers it is extremely difficult, and it is also rather hard on the ship's people themselves. They have not got an unlimited number of crew, and when a ship is in port the members of the crew are fully occupied with the normal running of the ship. There are certain affairs to be dealt with—cargo to be unloaded, and a hundred and one other things. I quite agree that every precaution must be taken at the port of embarkation by the ship's agents and the ship's officers to see that stowaways do not get on board, and that is done—there is no doubt about it—but even so it just does happen at times that somebody manages to get on board as a stowaway and is not discovered until the ship has been out at sea two or three days.

The shipping companies would like some provision in the bill to make it possible for the master or agent to request that an immigrant who has been declared a prohibited immigrant, should be taken ashore and put under lock and key under the supervision of the Prison Department, until a ship can be found to take that person back to his destination. If you are not allowed to do that, it means that the wretched person may be confined to the ship and have to go for a long voyage, with trouble at every port to see that he does not get ashore, and when he comes back he has got to be thrown out at his destination. At the moment I think the position is that the person has to be put ashore and he has got to be put in a hotel, and the shipping agent is responsible to see that he does not leave the Island, but it is not satisfactory, and we would like to be able to send him to a detention camp, and it would be perfectly reasonable for that to be done on payment of so much a day for keep.

There is one thing which worries me a bit in this bill, and that is the question of tourist traffic which is of such great value economically to the country. If hon. members will turn to the Immigration (Control) Regulations on page 11 of the bill, Visitors' passes, I am not quite certain whether this means that somebody can get on to a ship or aircraft, say, in America or the United Kingdom or anywhere else, and, without

[Mr. Nicol] a visa or anything, can come to the country and say to the immigration officer at the time of arrival "Look, I have just come for a holiday, will you please give me a temporary visitor's permit?" I may be dense, but to me it is not quite clear. There is another thing, and that is this, that it is most important that when visitors, particularly tourists, come to this country they receive a good impression on arrival, and they must not be unnecessarily interfered with by the officers administering the immigration regulations. I agree that some of the most difficult people in the world are passengers. In fact, I have had very long experience of passengers, and my considered opinion is that the world is divided into three classes of people—men, women, and passengers! Passengers are certainly the worst, and though passengers can be very awkward and possibly very irritating, the immigration authorities must be polite to them.

That brings me to another point. That is, I would ask my hon. friend the mover if it is the intention, if and when this bill becomes law, to take the immigration staff from the Police and put them under a new department, under probably the Member for Law and Order? I have heard criticism that the people when they enter the colony are subjected to police surveillance from the time they arrive, and they do not seem to like it. They have police badges and police tabs and so on, and the passenger feels he is really guilty before he starts to do anything. I do think that immigration work is a very difficult job and it does need a temperament suitable as to that job, and I personally would advocate that the immigration staff should definitely be divorced from the Police.

Now I am afraid that I must for a moment, very briefly, touch on a very controversial—an unnecessary controversial—speech by the hon. member for Eastern Area. (Mr. PATEL: Central Area.) Central Area, I beg your pardon (Laughter). The thing I cannot understand is the objection which the hon. member has to this bill. Personally, I look on this bill as an integral part of the economics of the colony. It is for the economic benefit of the colony, and surely to goodness the figures which my hon. friend the mover gave us this morning of the growth of population proves

conclusively the absolute necessity of having a measure of this nature, so that we do not get flooded with a lot of people from all over the world. The hon. member tried to advance as one of his reasons for opposition, the claims of the past performance of his community. We are not dealing with the past; we are dealing with the future, and we want to protect the people of this country from being swamped and eventually having their standard of living lowered and generally getting into a worse state than they might do in the future. The bill is not a racial one, and I cannot understand why this should be made the opportunity of racial controversy. I deplore it. After all, the population figures which my hon. friend gave us are, I should think, adequate proof that the East-African-born Indian is going to be protected under this bill. This sort of prejudice does not do any good at all and merely makes people irritated.

I support the motion.

Mr. EGYE: Mr. President, I should just like to draw the attention of the hon. mover to one point in this bill, and that is clause 7 (1), Class A (iii), which seeks to allow a person in the service of the Government of the Colony or the Kenya and Uganda Railways and Harbours Administration to enter the country without a permit. I have no objection to that, but I should like to point out that Classes B, C, D, F, G and H—or rather up to G—are accounted for in sub-clause (2) of 7, whereby if persons in these classes leave their employment or do not fulfil the obligations upon which they were granted entry into the colony, they can be ordered to leave the colony; whereas somebody who, one might imagine, had been imported by the Public Works Department under clause 7 (1), Class A (iii) and was found to be unsuitable and was dismissed, would automatically retain the right to remain in the colony. I venture to suggest that that rather goes against the principles of the bill and in particular as regards the competition which we have been discussing. I think that this could be overcome if in sub-clause (2) of 7, where it refers to Classes B, C, D, E, F and G, we add Class A (iii), and I should like to know whether that could be considered. Needless to say, I support the motion wholeheartedly.

Mr. PATEL: Mr. President, I rise to oppose the bill. This bill seeks to repeal the present Immigration Restriction Ordinance, 1906, which has been the law of the country for the last 41 years and has worked to the satisfaction of the country for 41 years, except for certain quarters that large numbers of Indians were entering the country, and in the beginning of 1944 we were told publicly that show-loads of Indians were coming here and that some form of greater restriction was necessary.

I am going to approach this subject from the point of view of four aspects. Firstly, whether stricter control than the one in existence under the 1906 ordinance is necessary; whether there are legitimate grounds for suspicion in the minds of the Indian community that, though evidently non-racial in character, this bill is really aimed at the exclusion of Indian immigrants; whether a growing country like this should apply the control which is suggested in this bill; and lastly, whether we cannot apply the regulation and control of immigration in any other form.

I shall also have a great deal of criticism of the provisions of the bill to make. Before I proceed further with my remarks on the four aspects I have just mentioned, I would like to draw the attention of this Council to the present ordinance of 1906. That ordinance exempts certain classes of people from its operation; that is to say, it does not apply to certain classes of people, and among them is "Any person who shall satisfy an immigration officer that he has been formerly domiciled in the colony or has been resident therein for a period or periods in the aggregate of not less than five years" provided he does not come within the meaning of certain of the sub-sections of section 5 regarding prohibited immigrants. So the law as it stands does not apply to those people who are domiciled in this country or have been resident in this country for five years or more. I know there are hundreds of Indians who have obtained a certificate of domicile under this ordinance or who have lived in this country for five, ten or even twenty years to whom this present law does not apply, and they will be excluded by the bill which is before Council from entering

this country. I do not suggest that anybody can say that he has acquired or established a right to enter this country at any moment, but certainly the law of this country says at present that anybody who was domiciled or has resided for more than five years in this country shall not be subject to the immigration restriction. Now this bill will prevent those people from coming to this country.

To make my point more clear on this issue, I hope hon. members will try to understand me on it, supposing an immigrant came to this country say in 1943 or 1944 and is residing here to-day, he becomes a citizen of this country for all purposes. But if a man resided here from say 1908 to 1943 and went overseas in 1943, under this bill he will not be entitled to enter this country, is it fair that a man who has lived here only three years and happens to be here when this bill is passed, should become a resident of this country, while a person who resided here from 1908 and left the country in 1943 and has not returned when the bill becomes law, should be prevented from coming back? because the proposed regulations suggest he cannot obtain a permanent resident's certificate unless he has resided here for five years during the eight years preceding the application he has to make to the authority. I may have misunderstood the whole position, and shall be very glad if I am told I am wrong in my interpretation of this bill and its regulations when the hon. mover replies.

The debate was adjourned.

ADJOURNMENT

Council rose at 1 p.m. and adjourned till 10 a.m. on Wednesday, 5th November, 1947.

Wednesday, 5th November, 1947
Council assembled in the Memorial Hall, Nairobi, on Wednesday, 5th November, 1947.

The President (Hon. W. K. Roze) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 4th November, 1947, were confirmed.

NOTICE OF MOTION.

The Hon. Financial Secretary gave the following notice of motion: Be it resolved, that this Council approves of the introduction of a bill to amend the Customs Tariff Ordinance, 1947, with the objecting of exempting His Excellency the Governor from the payment of customs duties in respect of goods used by him and his personal household.

ORAL ANSWERS TO QUESTIONS

No. 64—GOVERNMENT AND K.U.R. & H. HOUSES

MR. COOKE:

Will Government state the number of European officers' houses completed in Nairobi during the two years ended 31st August, 1947, by (a) the Kenya Government, and (b) the Kenya and Uganda Railway?

MR. THORNLEY: The number of permanent European houses completed in Nairobi during the two years ending on 31st August, 1947, by the Government was 12; one additional house was also purchased. In the same period nine houses for European officers were built by the Kenya and Uganda Railways Administration in Nairobi. The Government also completed 15 temporary quarters for European officers during this period.

MR. COOKE: Arising from that answer, will Government consider giving the building of houses to that very efficient gentleman, the General Manager of the Railways, to make him responsible for the housing programme?

MR. VAN DYK: Arising from that answer, can Government state how many of its lower paid servants are still awaiting housing?

MR. THORNLEY: I have not the actual figure before me, but I will see that the hon. member gets the information.

THE PRESIDENT: I think the hon. member will have to give notice of that.

SCHEDULE OF ADDITIONAL

No. 5 OF 1945

MR. THORNTON: Mr. President, I beg to move: That Schedule of Additional Provision, No. 5 of 1945 be referred to the Standing Finance Committee.

MR. FOSTER SURTON seconded.

The question was put and carried.

IMMIGRATION (CONTROL) BILL

SECOND READING

The debate was resumed.

MR. PATEL: Mr. President, before I proceed with my remarks in opposition to this bill I should like to clarify my position on four matters.

Firstly, I have no doubt in my mind that the hon. mover believes in what he stated in moving the bill before the Council, and I personally think that he believes sincerely and honestly in the necessity for this bill. I am going to join issue with him as sincerely and honestly on several matters arising out of this bill, and also on several matters he mentioned in support of the bill. I must make it very clear that there is no doubt in my mind whatsoever about the honesty and sincere belief with which he has supported the case for this bill. I may also state that if this bill were to be administered by an official, or under the supervision of an official, of the integrity of mind of the hon. mover, most of the fears on the Indian side would be allayed, but unfortunately our experience in regard to the administration of the Defence Regulations is otherwise.

Secondly, I should like to state that some form of control of immigration cannot reasonably be objected to, though I am going to contend that the control now suggested in this bill is stricter than is necessary and is obviously an injustice to several categories of people, which I shall show during the course of my speech.

Thirdly, I should like to refer to one aspect which was put forward by my hon. colleague the Member for the Central Area (Mr. Cocker), who pleaded for special treatment for the Indian community. I may say that he is supported by a very well-known authority, namely Mr. Warrens Thompson, director of the Scripps Foundation at Miami

[Mr. Patel] University for research in population problems in America. He has stated that the British people should give facilities—be urged as a matter of fact—that the British people should give special facilities to India for allowing Indian immigration into East Africa, and in East Africa he included, in his book which was published in 1929, Kenya, Uganda, Tanganyika, Northern Rhodesia, Nyasaland, Portuguese East Africa and Madagascar. However it may be, personally—and I speak also, I believe, on behalf of the majority of the Indian community—do not desire to have any special treatment for Indian immigration into this country. What I want is just and fair treatment for Indian immigration.

I should like also to make my position clear in regard to African interests. The Indian community is very anxious to see that the interests of the African community are not hurt in any way by any policy of immigration which we may adopt in this country. At the same time I should like to say that, in a growing country like this, it is always of future development, which I may say are the needs of the country as a whole. Reference has been made in this Council to the United States of America and other countries. If we consider the increase in population in certain countries which came into being during the last 200 or 300 years, and particularly the population of countries like the United States of America, you will easily realize how the development of a country can be affected by a wise policy in regard to immigration. That point also should not be lost sight of when we discuss this bill.

Now I should like to come to a very unpleasant aspect of the discussion on this bill, and that is whether there are legitimate grounds for suspicion in the minds of the Indian community, who believe that this bill, though apparently non-racial, is designed against them—that is, to exclude about one thing, that there is no doubt about the face of it. I am it is non-racial on the face of it. I am also not unmindful of the appeal the hon. mover made about taking the debate outside the racial atmosphere. I am also not unmindful of the need the hon. mover rightly stressed, that we should forget the past, and of his statement that

there is no ulterior motive behind the bill. At the same time I should like to mention a few things which agitate my mind.

I would firstly remind this Council that this bill was first published in April, 1946, and that three months prior to its publication the Right Hon. the Secretary of State for the Colonies, Mr. Creech Jones, in January, 1946, is reported to have said when he spoke, before the Fabian Colonial Bureau: "The problem of Indian immigration into East Africa is very thorny, but we have had to face it and have hammered out the policy concerning which there will be an announcement shortly". Now, when the highest authority in the colonial administration, the Minister for His Majesty's Government, states in January, 1946, that he was hammering out a policy for dealing with Indian immigration and that it was very thorny, and this bill is published three months later, naturally one connects the two. Moreover, that well-known journal, *East Africa and Rhodesia*, which I believe has opportunities to know the inside of things, a month after the publication of the bill wrote in its editorial: "It is then to the credit of the present government that it has accepted the advice of the Governors of the territories that practical steps should be taken to deal with the matter. That there will be vociferous protests from some quarters"—and he means Indians—"is not to be doubted. It is indeed surprising that they have not already begun to be reported both from East Africa and India. While the proposed regulations apply to all the intending entrants except Africans, it would be unduly ingenious not to recognize that they will in particular limit the immigration of Indians". That was one month after publication of the bill.

Now this was what happened last year after publication of the bill. It should not be forgotten or overlooked that this bill was drafted, or prepared, after there was country-wide agitation in this country, when at various European public meetings the question of the restriction and control of Indian immigration was very strongly raised. I am glad to note that the hon. mover in the course of his speech very frankly admitted that the Defence Regulations were aimed against the East. As a matter of fact, he ought to have said that they were meant against India, because there was no immigration

[Mr. Patel] from any other part of the East. It should also be remembered that these regulations were enacted after long and very vigorous agitation in this country referring to show-loads of Indian immigrants, in my opinion so referring quite wrongly.

If the Indians suspect, in view of these circumstances, that this stricter regulation of immigration is designed against them, I for one would say that we are unable to forget the history of the immigration question in this country. Obviously we cannot forget it, and there is one thing which I shall never forget, that the Defence Regulations were first introduced in Tanganyika where there was least need to do so, and they have not been repeated according to the promise which was given. It has a great bearing upon the stricter control of immigration now proposed.

If I may summarize what we were told at the time, I would not summarize in my own words but would like to state it in the words of one of the three Governors, the Governor of Uganda. What he stated in May, 1944, two months after the Regulations were published, was this: "During the same period it has been deemed necessary to take measures to restrict non-native immigration into East Africa. Speaking for this Government I can say it has been done with much reluctance, but it stands to reason that unrestricted immigration—and let me tell you that I am not advocating unrestricted immigration—at this time, in which housing and supply of all sorts must be short and ought not to be furnished beyond bare necessities, is contrary to both territorial and national interests, nor indeed to the advantage of our overseas compatriots. Assurance has been given in most positive terms that this is an emergency measure implying no change of policy respecting immigration under normal conditions. It should be obvious to all that the very facts that action is taken under Emergency Powers is in itself evidence that it is not intended to be permanent, and it is deplorable that attempts have been made in certain quarters to mislead public opinion hereon".

Obviously, he referred by "certain quarters" to the Indian community who maintained that, though the regulations were supposed to be of an emergency nature, they suspected they were going to

be permanent regulations, and the Governor of Uganda in May, 1944, said that they were trying to mislead the public. Now we Indians have been proved right. This was how we were assured in Kenya also, and in my submission the continuation of the Defence Regulations after the completion of the war was nothing less than a breach of faith. That in itself is an additional reason why we suspect the motive behind the present bill.

I should also like to draw the attention of this Council to the fact that the present Immigration Restriction Ordinance, 1906, was also enacted in Uganda in similar terms in 1913, and in Tanganyika in 1924. So Tanganyika, even in 1924, did not deem fit to improve upon the provisions of that ordinance, and the alleged need for stricter control arose during the last three years only. I cannot do justice to the fears in the minds of the Indian community without referring to the one unsuccessful attempt in this manner, that is, that there was a bill published in this country in 1923—and mind you it was also non-racial on the face of it. In 1923 a bill was published in this country, and that bill conferred wide powers on the immigration authority. It was known as the Immigration and Employment Bill to Consolidate and Regulate Immigration and Employment, and it sought to prohibit the entry of all persons who were unable to produce a certificate of desirability of bringing into the country clerks, artisans, salesmen, or other employees, were to satisfy the authorities that they could not obtain here legally the type of man they wanted. Even partners and shareholders in a concern not approved by the immigration authorities could be refused admission.

That was the bill in 1923, and I desire to draw the attention of this Council to the fact that even that bill was non-racial on the face of it. But nobody minded matters in those days; everybody in the country who were opposed to Indian immigration said that that bill was against the Indians, and that the bill was introduced in pursuance of a strong demand by the Convention of Associations which passed various resolutions for the purpose beginning from 1911 to 1922. The Secretary of State for the Colonies, in not allowing that bill to go through,

[Mr. Patel] said in the House of Commons in August, 1924: "The conflicting statistics which have been laid before me have not enabled me to reach definite conclusion as to the extent of the net Indian immigration. Accordingly steps will be taken to create a statistical department to obtain accurate information with regard to persons of all races arriving in, or departing from Kenya. Meanwhile the Kenya Immigration Ordinance will not be enacted".

The reason then given by the Secretary of State for the Colonies was that a Statistical Department should be established and necessary information made available, and until then the bill would not be enacted. Therefore it was dropped. That was the first unsuccessful effort at restricting Indian immigration by a bill which, on the face of it, was fair non-racial. Therefore, may I ask a fair question? Will any reasonable person say that the fears and suspicions of the Indian community on this occasion are not well founded? I do not know whether this Government is capable of giving correct figures in regard to population or immigration, but Government did recently supply to the Nairobi Indian Chamber of Commerce figures of the excess of immigration over emigration in regard to Europeans and Indians for the last 15 years—that was from 1931 to 1945, both years inclusive—and they say that the excess of European immigration over emigration was 5,625, and the excess of Indian immigration over emigration was 4,978 in 15 years. Either Government is incapable of producing correct figures, or this is in the correct position, and if that is so, in the words of the Secretary of State for the Colonies in the House of Commons in August, 1924, this bill should not be proceeded with until a census population, because in my submission population figures appear often to have been manipulated in this country.

I remember one thing very clearly (and here I am prepared to challenge any official of the Government concerned), that up to three or four years back the Indian population figures, as estimated by the immigration authorities, by taking the excess of immigration over emigration and adding the natural increase of the Indian population as the immigration

department thought fit, were much less than are given now. One fine morning they added a lump sum of 25,000 to 30,000, the then missing figures, to bring the figure up to what they thought was the correct figure according to the Distribution Board. (MEMBERS: Shame!) I may say that, if you call an expert on population, you will find that 25,000 people could not be born within three or four years, even if one child be born every three or six months. (Laughter.) That is the position in regard to the figures, and I must say that the figures supplied by this Government in support of this Immigration Bill are not trustworthy, and therefore I repeat, in the words of the Secretary of State for the Colonies in August, 1924, that this bill should not be proceeded with, in any event until we have had the non-native census taken.

Now, sir, there is one more thing I should like to say before I close on this subject. That is, that I have very carefully perused all the resolutions which have been passed by the Convention of Associations for many years and at public meetings held by the European community in this country during the last 35 years, and I have no shadow of doubt in my mind that they always meant by control of immigration, control of Indian immigration. I am prepared to put the whole case before any impartial tribunal, and if the verdict goes against me on that issue I am prepared to support that bill. But I am quite certain that the verdict will not go against me if I put before any impartial tribunal all the events which have taken place during the last 40 years, and show that the control of Indian immigration was the chief aim in this country; and this question of Central and Eastern European immigrants coming to this country has only arisen during the last three years. Indeed I have never heard of it before during my stay in this country of 25 years as an argument for such control. It has been put forward as an argument for control of immigration, and perhaps a reasonable argument, during the last three or four years only.

Now I should like to make certain comments on certain arguments advanced in favour of the bill.

When I deal with the question of European immigration I am prepared to say that it was a very strong and valid

[Mr. Patel] argument which was put forward by the hon. mover, and I am prepared also to admit that it may be an unanswerable argument in favour of the principle of increased control. Let me tell you that before 1906 there was no restriction of immigration whatsoever. We enacted a law in 1906 which was known as the Immigration Restriction Ordinance, 1906, so that the intention in 1906 was evident to restrict or control immigration in a certain form. So the principle of restriction is not in issue to-day. Whether control or restriction in the form suggested in this bill is necessary, that is the point at issue. I am not advocating whatsoever an unrestricted immigration. I am not also advocating that the countries have no right to regulate immigration, but I certainly am going to contend, and contend honestly, sincerely, and seriously that the proposed form of control is not necessary. Moreover, it does injustice to a certain class of people whom I shall mention when putting forward my detailed criticism of the bill before Council.

But there is one thing I must mention to this Council, that before 1923, when the first agitation started against Indian immigration, restriction was advocated in the interests of the European population, of western civilization, and of the African population, against the menace of Asia, and because the Imperial Government did not pay much attention to the ground of European interests, later it was advocated because Asian immigration was alleged to be a menace to Africans. Lately, however, great concern is shown for local Indians, who never came into the picture until 1939. Our interests are being taken into consideration only as an additional argument to support the case. They say that locally born Indians should also be protected. Very fine! I wish their interests would always be remembered when matters of land and other things are discussed, but I am certain from my experience of the last 25 years that that is not always so.

On the matter of this measure embracing the whole of the inhabitants of this country, I would like to mention only one thing. The then Governor of this colony, Sir Edward Grigg, in giving evidence in camera before the Joint Parliamentary Committee in 1934, advocated that immediate steps should be

taken to settle 100,000 Italians in Kenya. That was only 16 years back, when the absorptive capacity of the country was not very big and had not a large population. I have no doubt in my mind that all these steps are taken with one ulterior motive, and that is the question of how to control the Indian immigration.

Further, there is the question of unemployment which has also been raised, the unemployment menace in support of greater control. In any event, there is no unemployment at present. There is a great shortage of clerks, artisans, and others in this country. I do not want to take up time by quoting figures, but I know from my own experience that to-day the wages of clerks and artisans have risen more than even the cost of living can justify because there is a shortage. In any event, there are not enough number of people required.

Then there is the question raised very often in support of this bill of the absorptive capacity of this country. I have been in this country for the last 25 years, and I know when I came to this country that the European and Indian population, as a matter of fact the immigrant population, was very small. I think, as stated by the hon. mover, it has doubled during the last 20 years, or more than that. But I think I can say with certainty that the immigration population of this country to-day is far more prosperous than what it was in 1926, and I am prepared to challenge any statistician on this point, because the country has developed, and in a growing country with a sparse population its absorptive capacity increases with development as it happened in Southern Rhodesia and South Africa—which when they began to develop absorbed a larger population, and I cannot see that they have reached the saturation point yet. Therefore I think the kind of control intended in this bill is not justified.

There is another point which I should not overlook. We are told, what about African employment and African interests? Southern Rhodesia with a population of 50,000 Europeans made plans during the war to bring 500,000 more into the country; South Africa is inviting millions of Europeans. In both places the African population is not considered for the purposes of employment and other things. Why is that question

[Mr. Patel] raised in this country alone? When Southern Rhodesia with a population of 50,000 is planning to bring in 500,000 and South Africa millions, the obvious answer is that it is not desired to allow the entry of the Indian community in large numbers into this country.

I am sorry to have to put my case in that form, but it will be readily appreciated that I shall not do justice to my community if I do not put forward their point of view frankly and honestly in this Council. The absorptive capacity of these territories I am not in a position to state, because I have no statistics, but when the Government changes its policy of immigration in a country like this Government should put before the public in the first instance figures of the non-native population, immigrant excess, of the last 15 or 20 years, and also give some picture of the likely development in this country. There are so many plans before us for development in Kenya, Uganda and Tanganyika—an expert's report which I read about Tanganyika stated that it has large possibilities of development. I believe immigration should be related to all these things, to the possibilities of the development of the territories, and the Government should put forward accurate information before the public before they ask any section of the population of the country to vote for a bill like this—accurate information regarding population and the possibilities of the territories.

I said in the beginning, when clarifying my position, that I for one am always prepared to consider the interests of the African community as the highest priority in this country, whether my community likes it or not. I am prepared to take that risk. But again I want to say this, that the interests of the country like this, which has a sparse population, regarding future development of the country as a whole, cannot be ignored. Let me here remind members of the British race who can quite easily recognize it that they have always said that whenever any land or any part of the country was not used—I am not quoting the exact words but giving a summary—that when any land or country was not used to the best interests of the human race or the world there should always be immigrant communities who should take part in the development of those terri-

ories in the interests of the world and of the human race. That should be borne in mind in considering a problem like this.

Now, again, I would come to the next question, the question of the Indians' right to fair and just treatment in the matter of immigration. In the first place, I do not want to take up the time of the Council with the contribution made by the Indian community who, in the words of Winston Churchill, were here long before any British official put his foot on East African shores. There is one point I would, however, like to mention. When my colleague, Mr. Cocker was addressing the Council yesterday, there were certain unpleasant exchanges of words about the Indian war effort and so on. I am in a position to give a straight answer. I as chairman of the Indian Man Power Committee did work throughout the war in an honorary capacity and can refute the false allegation. But that is not the question before Council. However, assuming for the sake of argument that the Indian population in this country did not pull its full weight in regard to the war effort, that accusation cannot be levelled against India, as the highest ministers of the British Crown have praised its war effort. I would ask one straightforward question: does this bill protect local Indians or does it keep out those who made a grand war effort in India? You cannot blow hot and cold at the same time. If the Indians here did not serve the war effort, why do they want to protect them, and why not protect the interests of Indians who made a splendid war effort? Why blow hot and cold at the same time? There again, I imagine that the arguments put forward are not genuine.

There is another thing I would like to say. I am addressing these words to the Secretary of State for the Colonies, Mr. Creech Jones, who is largely responsible for hammering out this policy, to use his own words, I am addressing myself to him. It was the British Government which created the urge in India for emigration. For the purpose of exploiting certain countries—British Guiana, Trinidad, Fiji, Malaya, Ceylon, Natal, East Africa, and the other places in the Empire, British people showed them foreign lands and which, as I say, created the urge for emigration. And now, after developing certain parts of those countries with the labour of Indians, the

[Mr. Patel]

British are preventing them from being colleagues in the joint enterprises for the further development of these territories. They want to see no more Indians from India. That, in my submission, is not only unfair but dishonest.

I now come to detailed criticism of the bill.

Firstly, I will take the burning question of permanent residence. I have no quarrel with the definition of permanent resident, except this, that unless the interests of certain people are taken into consideration for the purposes of immigration, there will be a grave injustice done them, and I want to enumerate them. Firstly, as I mentioned yesterday, those who obtained domicile certificates under the present law and are now abroad, whether Indians or Europeans I do not care—I want for once to be non-racial. (Sis A. VINCIGIRI: Hooray! and laughter.) Under the present law there were people who were entitled to obtain domicile certificates and are permitted to enter. I do not know how many, maybe 500, but I am quite certain the number must be very small. They obtained their certificates under the present law of 1906. I submit that on all grounds of good conscience these people should have the right of entry into this country. When you change the law you should not ignore them. In considering the question of those who believed that by obtaining domicile certificates they were exempted from the operation of the immigration law and if they are not present at the time when we pass this new law, their rights should not be overlooked. That is one.

Second. The present law of 1906 also exempts from the operation of the Ordinance, except for the purpose of prohibited immigrants—those who stayed in this country for five years or more. When you repeal that Ordinance and enact another law for the good of this country, I submit that in all fairness and in all canons of good conscience we should not deprive them of the right of entering this country under the law which we now contemplate by repealing the old law.

The third thing is this. There are Government and Railway employees who served in this country for a number of years, maybe 10 or 20, and retired to their country in many cases to give education to their children, and who have

been away now for a number of years. To debar them from entering this country is most unfair, and there should be provision in this bill that all those Europeans or Asians who served Government and the Railway and have retired, perhaps excluding those who were dismissed from the services, in the days when conditions of life in this country were difficult, should not have their rights overlooked and the country should not be closed to them to enter. Provision must be made in this bill for them.

The next is the question of the student abroad. If the law is administered literally, with the regulations which have been published, I am quite certain that students who are being educated in India and England will be debarred re-entry. I have lived here for 25 years, the best part of my life, and I know the type of people who will administer these laws. Several times I may say without exaggeration, they administer the laws in a stupid manner, with lack of common-sense. That is my experience, and I am not prepared to trust officials of this kind and put my children abroad for education at the mercy of these stupid officials. Therefore, I repeat, provision should be made in the bill itself that where the children of permanent residents have gone abroad for six or seven years who take higher education, should be permitted to enter without any formality, because if the law is interpreted literally only children of 16 years and under have the right to be endorsed on the permit of the parents.

There is another thing I should like to mention to show how this bill will do grave injustice to certain people. If it does an injustice to one single person it should be revised. I recognize that in drafting a bill one cannot conceive all possible cases, but a case which can be brought to the notice of this Council should be dealt with. I was a member of the Emergency Committee in Mombasa in 1941-42, and the Administration in that town strongly advised that as many Indians as possible should vacate the place and if possible go to India, leaving the business in the hands of as few people as possible, because there was the threat of an invasion from Japan. They were told they might even have to retire up to the Belgian Congo, and all were asked

[Mr. Patel]

to send their children by 11th June, 1940, to up-country places like Kampala. Tents were prepared at Kisumu for receiving them, and some were asked to go to India. When they were there, the Defence Regulations came into force. Some came back with entry permits, some had a written reply which the immigration officer used to address to people saying that under the Defence Regulations a permit could not be granted. Even if there were only two dozen people concerned they should have had the right to come back.

Another thing is that before the war our trade relations with India were not very great, but during the war India at controlled prices kept us supplied with piece goods. I know from my own knowledge that over 100 Indian firms went to Bombay from East Africa and opened branches to import these piece goods from Bombay, and some sent employees from these countries to work in Bombay because they knew the needs of these countries. Some have not been able to return. Yet they were here for a long time. If this bill is administered literally, those people who went to India during the war-time for the purpose of encouraging trade relations between India and East Africa will not be able to return, and, mind you, if India had not supplied those piece goods during that critical period it would have been a great hardship for us. If there are only a dozen people involved their rights should be safeguarded.

For all these things, I shall submit appropriate amendments to the bill in the proper manner.

I said yesterday, and I say it again, that supposing a person came in in 1943 and happens to be here when this bill passes, that should not give him a right over the man living here for 20 years and who has been away for the last four or five years. It may be that the hon. mover in his reply will say that the definition of a permanent resident is very elastic. I know it may be, but I know also the officials who are going to administer it, and how in the last three and a half years the Indian elected members have had to approach the hon. mover to seek assistance against those who administer the Defence Regulations. Here I would very frankly and openly say that the hon.

mover has always given us a fair and just treatment in listening to our complaints and deciding them. But it is the type of official administering the law that is the reason why we are afraid and want every possible thing put in this bill, so that in its administration we do not have the injustice which has occurred under the Defence Regulations.

There is one point that the hon. mover mentioned in regard to the large number of Indian newcomers under the Defence Regulations. The number of wives of Indians and their children has increased steadily in the last 20 years, but the adult male population has not increased to that extent. Formerly, when conditions of life and facilities for education were not so great, and also on account of general conditions, a new immigrant did not bring his family. But if you look at the figures issued by the Statistical Department you will see that most of the newcomers from India are wives or children of adult Indian males established in the country. Therefore the figure given by the hon. mover of newcomers in the Indian population is most misleading.

Taking all the cases I have enumerated, there may perhaps be in numbers only 2,000 or 3,000 to be provided against. It may be less, but I personally submit that if we enact this new law the question of not doing an injustice to these people should be borne in mind before the bill finally becomes law.

Now I will refer to clause 5 (1) (f). I am very glad that in the enactment of this clause it refers to "other than permanent residents". I welcome that in view of the experience of one very important case which I noticed in this country recently. There is one Indian country recently, whose father has been established in whose business for the last 20 years or more, and he is the only son of his father. He was educated here, went to India, and has come back, and owing to certain information received from India he is declared a prohibited immigrant and was asked to leave this country. He is the only son of his father, and his father has only been established here for the last 20 years. If this clause had not in force the immigration officer could not have asked that man to go back. I understand the man has appealed to the judicial authorities for an interpretation of the word "immigrant". "Immigrant" is

[Mr. Patel] defined by Webster's Dictionary as one who comes for the first time to make a home in another country. This man was here and is not in any real sense an immigrant when he came back, but still, under the old law, he has been treated as a prohibited emigrant, in my judgment very unfairly, so that I am glad that "other than a permanent resident" is included in this clause so that an immigration officer does not have an opportunity to repeat that kind of thing.

The debate was adjourned.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

The debate was resumed.

MR. PATEL (continuing): The next clause I should like to refer to is clause 7 in regard to the prescribed authority. I would suggest that its composition should be provided for in the law, but I shall offer my comments on that at the time when I discuss clause 12. In regard to Class A my suggestion is that all the classes of people whom I mentioned should be entitled to entry permits. In regard to Class A (ii), I fully appreciate the fears expressed by the hon. Member for Nairobi South, though I do not see eye in eye with him in regard to his comments on the United Nations Organization. In my opinion his fears are not well founded. This Immigration Bill is going to be the law for all three territories, and when we are thinking in terms of East Africa as one unit, and as we are going to have a High Commission established from 1st January, I believe that the necessity for the restriction on inter-territorial movement does not arise.

I would state further that there are two points in favour of the need for retaining this clause. Firstly, in a growing country like this, one does not know where development might take place faster than in other places. Supposing Tanganyika develops much faster than this country, then I think members of the Indian community, or other people, should have an opportunity to go to Tanganyika for better prospects. The other thing I should like to mention is that the hon. Member for Nairobi South was afraid of certain people from eastern European countries coming to Kenya through Tanganyika, but what I am afraid of is that, supposing Kenya retains

the same tempo which is occasionally exhibited in public meetings, I do not want my children to be prevented from going to Tanganyika when their life becomes uncomfortable here. There is a third point I want to make, and that is that the result of not allowing inter-territorial movement in South Africa has been disastrous for the Indian community. To-day they are crowded in one province, Natal, and I know how the Indian community has suffered. Therefore I for one would suggest that inter-territorial movement is absolutely essential for the balance of population in the light of future development and other reasons.

Now Class B (iii)—"his engaging in such business will not be to the prejudice of the inhabitants generally of the Colony". I do not think that is a reasonable one. My fears arise strongly in regard to its administration and, as I stated, they are well founded fears. Therefore, unless the composition of the prescribed authority and appeal tribunals is provided for in the Ordinance, with fair representation for all immigrants, as is in the objects stated on page 10 in regard to the Appeals Board—"with equitable racial representation" and so on I am afraid I must oppose clause (iii).

Then clause 8. I have already dealt with the question of provision being made in regard to students who have gone abroad for education. Now I am going to suggest one thing for allaying the fears in the minds of the Indian community in regard to administration, that the immigration department should not be under the Police. It should be an independent department under the Member for Law and Order, with an immigration officer of high calibre; a senior officer who can keep an eye on the fair and just administration of this law. The present immigration department, from my experience, is not competent to administer this law in a fair and just manner.

Then I come to clause 12. Clause 12 gives a great deal of power to the Governor in Council for making regulations on very important matters. I appreciate the grounds for giving this power and not making provision for it in the body of the Ordinance. At the same time, I would say that the rule by regulations should be as little as possible.

[Mr. Patel] particularly on important subjects such as this. I would remind this Council of what the hon. Member for Nairobi South said about two years back, and also the Nairobi Chamber of Commerce mentioned it, that there was too great a tendency in this country to govern by regulations, and that as far as possible provisions made in regulations should be embodied in the Ordinance itself. That principle applies with greater force in regard to this question, because that is the only way you will be able to obtain co-operation from all quarters.

Of course the regulations which are meant to be drafted are published along with this bill, and I only give one instance to show how injustice perhaps can be done. I have been living here for the last 25 years and have spent the best part of my life here, but I am required under the regulations to renew my certificate, pass or entry permit, every seven years. But if a person was born here and lived here for one week, and then went away with his parents and stayed abroad until now, he would get a pass for his whole life. It is quite true that persons born in the country get a certain kind of privileged position, but I certainly object to the person who was born here and lived here for a short time, and then went abroad, getting more privileges than I do in this country. Why I should have to go to the immigration officer every seven years, while someone who has not lived in the country or contributed in any manner to the development of the country is in a better position than I am, I do not know. I certainly object to that.

Now I have shown in the course of my speech that there is no need for the stricter control laid down in this bill. I have also shown how it is likely to do a grave injustice to certain classes of people, and why the suspicion of the Indian community that it is aimed against them is well founded, and I have also shown that in a growing country like this there should be greater encouragement for immigration than is provided in this bill, and further I suggest that there should be an independent immigration department under the Member for Law and Order, with an official of great seniority, and that in any event the composition of the prescribed authority and the appeal board should be provided in the bill itself.

With those remarks I strongly oppose the bill. (Applause.)

Mrs. WATKINS: Mr. President, I rise to support the bill, and more particularly to support the words and the points made by the hon. Member for Nairobi South.

Of course we must have control of immigration in this country. I think nearly all of us would agree about that, but paragraph 7 (1) A (ii) violates, to my mind, the whole bill. More particularly do I think that the hon. Member for Nairobi South made a good point when he said that the countries which were advocating that we must allow in everybody who wants to come in to Tanganyika—and perhaps, by reason of our Immigration Bill, into Kenya—are themselves very heavily controlled. Ellis Island, as we all know, is a place where people are detained, sometimes weeks, sometimes months at a time, before they can get into the United States of America—and they do not mix it up with any other of their islands. I have never heard even the most fanatical American mix up Ellis Island with, for instance, Coney Island! They know, from their own experience, that Ellis Island is a very necessary institution. If so for them, then why not for us? I do not think we can quote the Soviet Union. I think they can quote the ultra-west and beyond the pale (Laughter). I think, too, that few of us realize here that their iron curtain is fringed with headmen's axes, and when that curtain descends on newly acquired territory blood flows freely. I have just come from a part of Europe—that lovely country, Austria—over which that curtain is now hovering, and the flood of refugees is pathetic and terrible.

I can only say with reverence here that I hope our Immigration Bill may help to stop the infiltration of the agents of that same terror, from whatever source it comes, whether direct or through another country; I hope it will control some of that infiltration into that country, Tanganyika, because infiltration precedes annexation. Infiltration into a country begins through agents by means of propaganda, bribes, threats and illusory promises. These, and agitation, are the things we want to protect our country from. If it is possible, I would here place on record that, from my own personal knowledge, the terror and the torture of the Nazi regime has not been

[Mr. Watkins] her capital and the savings of centuries exhausted. We are still strong because the colonies are the British strength, and we here will help the home country most by controlling our boundaries, by maintaining the British way of life, which is all important, and by saying quite honestly to other communities that we are British, we remain British, and the British way of life—the English way of life—is the one we want to see here and to maintain here. We believe we are going to help England most by that. We can absorb a few picked workers into our colonial life.

Again I support everything that the hon. Member for Nairobi South has said, and I support it with a full mandate from Kiambu. In fact, I have joined the chorus. I may add that we used to be attacked because we were not working as a team, and now, when we are seemingly working as a team, we are told we are a chorus. That may be. I have never aspired at my age to be in a chorus, and the front row at that! But I am very glad to be in it, though I hoped that I was the leading lady!

I was very glad indeed, however, when the hon. mover said that it does not shut the door entirely to certain people coming in, even stateless people, as long as they can work as craftsmen, and that is what we want in this country, people who are really useful, and there are many such both among the Kiprisoners of war, or among the stateless people, or wherever they may come from. Certain of these folk we do want, and I should very much deplore the fact of protecting the Indian, African and ourselves to the extent of keeping down our own standards of workmanship. We all know that very often if you protect an infant industry too long, that industry does not become competitive with the rest of the world, and we do not want to protect the rather poor standard of craftsmanship which we have here to-day to the extent of not bringing it into competition, or into touch, with real craftsmanship, from wherever it may come. I think that is a very important point. We do not want to protect inefficiency among ourselves or anybody else.

Having said that, I do want to stress that I think we are still strong, although it is a sorry procession which is going on all over Europe just at a time when England is debilitated, her strength and

her capital and the savings of centuries exhausted. We are still strong because the colonies are the British strength, and we here will help the home country most by controlling our boundaries, by maintaining the British way of life, which is all important, and by saying quite honestly to other communities that we are British, we remain British, and the British way of life—the English way of life—is the one we want to see here and to maintain here. We believe we are going to help England most by that. We can absorb a few picked workers into our colonial life.

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MAJOR KEYSER: Mr. President, in rising to support the motion, I will only detain the Council for a short time in order to refute some of the statements made by the hon. Indian Member for Central Area. While I agree that a lot of the statements he made were really irrelevant to the debate, nevertheless these statements will be recorded, and I think the answers must also be recorded. That is my excuse for getting up to-day.

He stated that the Highlands occupied 16,000 square miles and that only 40 per cent of the Highlands were developed. I have taken the trouble to obtain the figures this morning. The Highlands, exclusive of forest areas, occupy 12,000 square miles. Of that, 9,872 square miles are alienated. There are 783,991 acres under cultivation, which is 12 per cent of the alienated area in the Highlands. If you consider that a very large part of the Highlands is purely pastoral land, that there is a very large area that is rested from cultivation, the 12 per cent is to my mind a very creditable performance and shows a high scale of development. (Hear, hear.) In addition, there are 531,000 European-owned cattle and 243,000 sheep on that land, which represents a cattle population of 44 per square mile and 20 sheep per square mile. There

[Major Keyser] are also 217,000 registered male Africans on the land. If one assumes that the unregistered Africans—juveniles and women—are about twice the number of the registered ones, it means a population of 54 per square mile of Africans living in the Highlands. In addition to carrying in that population of cattle and humans, it must be remembered that the Highlands are producing a vast amount of agricultural produce. In fact, if you look at the exports of the colony, you will find that the great majority of them—I think it is something like 90 per cent—are agricultural produce, totalling some £5,000,000, of which £4,500,000 are produced by European enterprise.

With those figures in view, I think you can hardly say that the Highlands are not developed sufficiently. There is certainly room for development, but I for one am anxious to see that development going very slowly and carefully, the mistakes being corrected as we go along. If we go too quickly I think we will have disasters which, in my opinion, we should do our utmost to avoid.

He made another statement which I also think needs correction. That is, that the Indian has taught the African artisan. Artisans in most parts of the world, and certainly in England, are not taught in schools—they are taught their trade by apprenticeship. After 50 years of artisan work done in this colony by Indians, it is surely a serious indictment of the effort they have made to teach the African that to-day, when there is an almost unlimited scope for African artisans there are very, very few to be obtained.

It is common knowledge with those who have employed Indian artisans that it was impossible to get them to teach an African anything at all, that even when one tried to get them to have African labour to do the easy jobs such as sawing, the Indians would have nothing to do with them at all. I consider that the fact that to-day African artisans are quite unobtainable is largely due to that set policy of the Indian artisan.

That, I think, is all I have to say about the remarks made by the hon. Indian member.

With regard to the speech made this morning by the hon. Indian Member for the Eastern Area, he spent a long time

trying to prove that this bill was directed against Indian immigration. I have no hesitation in saying that I am supporting this bill because it is, in my opinion, directed against Indian immigration. But not solely against Indian immigration. In my opinion, Indian immigration is a very great menace if it is unchecked, and that is why I am supporting the bill. He wanted honesty, and I am being honest with him.

In conclusion, I should like to support what has been said in the very able speech of the hon. Member for Nairobi South about clause 7a (1) (i). Unless this is removed from the bill, the whole bill will be entirely ineffective.

I beg to support.

MR. MBARAK ALI HINAWY (Atab Interests): Mr. President, I rise to support the bill, and in doing so to say one or two words in regard to some points which I should like Government to consider and discuss when the bill is referred to the select committee.

Before mentioning those one or two points, I would like to refute any misunderstanding, or wrong impression, that will be given the public by the figures quoted yesterday by the hon. mover. The figures quoted, I believe I am right in saying, were meant to show an increase of the non-native population in Kenya after a certain number of years, but in regard to my community I should like to point out that the figures quoted show clearly there has practically been no increase since my community migrated into this country. If we take the figures as correct, that in 1911 there were 9,100 Arabs in this country and in 1947, 21,000. In the 36 years—not five or ten—the increase has been 12,000, or something like 300 per annum, or about 37 per 1000 per annum. That is taking only the natural increase; it is much less than what it should be, and if the figures show anything at all they show there has been anything at all they show there has been more emigrants than immigrants to this country as far as my community is concerned.

Having pointed out the wrong impression which might, indeed, be created by these figures, I will say one or two words in regard to points which I would ask Government to consider and discuss in select committee when the bill is referred to it.

[Mr. Mbarak Ali Hinyaw]

First, that the Arabs have a very long connexion with this country which dates back centuries, not only in Kenya but in East Africa as a whole, and this in itself amounts to those who settled then having become Indigenous Inhabitants.

The second point is, I would like Government to consider the treaty obligations between the British Government and the Sultan of Zanzibar.

These are very important points which Government should consider in regard to the bill as a whole, as far as my community is concerned and with only those two points I beg to support.

MR. VASEY: Mr. President, in rising to support the bill and to support the speech made by the hon. Member for Nairobi South, I would say it seems to me that restriction on immigration can be founded on two main factors: it can be for a political reason and/or it can be for an economic reason.

If I might first deal with the economic reason and leave the political reason until the conclusion of my speech, I would say that the full economic reason, the beginning of the potential danger that lies in front of this colony, was outlined in the figures, even if they were "slightly inaccurate", of the hon. member, African artisans, African masons, African carpenters, all these are in too short supply to-day, and we should ask ourselves why they are in short supply. If one turns to the West Coast one will see that in the absence of the Indian artisan or any other middle group of artisans, the African has had perforce to be developed as an artisan and take his place in the worker's life of the country. But in this country, because of the unfortunate incidence—and I use that word only in the economic sense at this stage—because of the unfortunate incidence of the Indian artisan, the employers of this country have chosen what was economically the easy way of employing the Indian fund: When in time of emergency they have wanted more workmen, they have imported more workmen, instead of turning their attention to the material at hand and developing the African as a workman.

That is against a very great dictum laid down by one of our greatest Foreign Secretaries, that this Britain of ours should sacrifice the eventual gain for the

sake of an immediate advantage. That is, in fact, what has happened throughout the economic life of this country in the past quarter of a century.

When the hon. Member for the Central Area was quoting the words of a European member of this Council in 1933 from a statement called "Indian Policy", I could not help thinking that had that policy been adopted then, had the tide been stemmed then, this country would perforce have had to develop its great reservoir of African labour, and we should not be to-day in the difficult position where we cannot take African people off the land because there is not sufficient avenue of employment open to, and sufficient skill available in, them. That is why the sincere—if I may remind the hon. member Mr. Patel of his words—the equally sincere, equally honest and equally serious European feels that he can no longer go on sacrificing the eventual gain of this colony and the African people for the sake of the immediate advantage of having easy access to a complete field of workmen. That cannot be allowed.

The hon. member Mr. Patel quoted the case of South Africa, Southern Rhodesia, and the capacity of the land to absorb people. If this country had a copper belt, if this country could find gold in quantities, if this country could find coal in quantities, if it could find iron ore, or any one of those things in quantities, the capacity of the country would jump tenfold, but so far we have no evidence that this is a possibility, and we must base all our population and employment statistics of the future on the agricultural basis on which our whole economic foundation rests. Until we can find some fortuitous gift from heaven, we must accept the economic limitations that we see in the picture at present in front of us.

We know, because Government has told us so continually—and if the hon. member doubts in this case the Government figures he need only go around the African reserves—we know that the land of our African is over-populated. It takes no great economic brain to see that we have got to find other channels of employment to relieve the strain on that land; it takes no great economic brain to see that if we have to superimpose on our agricultural economy a secondary

[Mr. Vasey]

industry economy that latter economy will be limited unless we find primary factors. If the full channels of employment are to be absorbed not by Indians born in this country but by Indians coming from overseas, then for years and years and years the African is going to be restricted to something nearer the level of starvation or existence economy. That, in the interests of good government and orderly government and development, cannot be allowed.

So that if the Indian members are suspicious that this administrative measure is going to be directed against them, they can only be suspicious because they see the full picture in front of them, because they realize the economic danger to the African for this quarter of a century to come is not the European, it is the Indian. The economic clash between the African and the European in the world of employment in East Africa cannot come for tens of years, but the economic clash between the Indian and African is here—it is on our doorstep and we cannot ignore it. Therefore, economically, from the point of view of the African, we must have this control.

Had we got a great Chinese immigrant population, we should be directing our remarks to the Chinese. It is merely the unfortunate incidence of the Indian artisan that compels our remarks to be addressed to the Indian community on this occasion, and that compels the Indian members to be a little suspicious of the objects of this bill. Here I will interpolate that when I listened to the hon. Indian members I closed my eyes, and I began to wonder whether I was really listening to the representatives of an East African Legislative Council of Kenya to representatives of East African people, or whether I was listening to a brilliant case of a special pleading on behalf of the inhabitants of India, because that was how it appeared to me. And, indeed, even then only on behalf of the inhabitants of India, because the hon. Member for the Eastern Area did not mention Pakistan once.

MR. PATEL: As a matter of explanation, India in this country is used in the sense of India and Pakistan, which the hon. member should know, and we are the Indian elected members.

MR. VASEY: If the hon. member read his own Press he would know that that is not accepted as a fundamental description!

On this question of blowing hot and cold, which the hon. Member for Eastern Area accused the Europeans of trying but failing to do, I would respectfully remind the hon. member that he cannot blow hot and cold either. You cannot plead for the right of the Indians specifically to enter this country and at the same time defend the rights of the Indian born in Kenya. Those two on any economic ground are at the present moment incompatible. But let us see what the hon. member said as far as that was concerned, what both hon. members said about the question of Indians being wanted in this country.

Let me quote the hon. Member for the Central Area: "The Indian Chamber of Commerce passed a resolution about the shortage of artisans, etc.", and went on to complain bitterly that that shortage of artisans was causing very high wages. The Indian Chamber of Commerce is a representative body of employers, and I can see quite well that they would be disturbed by anything which created a system of high wages. The hon. Member for the Eastern Area spoke with some trepidation in his voice about the wages of clerks and artisans rising. Well, I can quite imagine, of course, that the Indian Chamber of Commerce and others of his electors who are employers of labour cheering at his strong and thundering protest against a bill that would restrict the labour market and cause high wages.

I cannot imagine his Indian artisan electors viewing it with the same complacency or pleasure to the same extent (Laughter.) And, unless I am mistaken in the figures which even the Indian community admits there are probably 25 employees to one employer in the Indian community, I cannot believe that the great majority of the electorate of either great would agree that there should be unrestricted, or less restriction, of immigration in order that wages should be brought down, and I have no doubt that when the electoral drums roll next March and hon. members go back to their constituents the argument about higher wages will be put into the background and the political shilloboths we hear so often will be brought forward once again.

(Mr. Vasey.)

Under this bill the flow of immigration can be restricted. That is the important thing: it does not prohibit immigration, as one would have imagined listening to the two speeches of the hon. Indian members. It restricts it, and in so far as that restriction is essential in the interests of the inhabitants of the country it must be confirmed, and on those grounds the bill must be supported.

The hon. Member for Eastern Area referred to the criticism of the hon. Member for Nairobi South of clause 7A (1) (ii), and said that the hon. Member for Nairobi South is quite right to criticise it but that his fears are not justified. Why? Because he said the same bill is being passed through all the legislatures of the territories and therefore it will be the same all the way through, and of course, when the East Africa Commission gets going everything will be perfect. The hon. Member for the Eastern Area knows almost as well as anyone else in this Council that the High Commission has not been granted power to deal with immigration legislation.

The hon. member has based almost his entire opposition to this bill on the fear of mal-administration. The hon. Member for Nairobi South is, I submit, more entitled to be suspicious of the mal-administration of this bill in a territory like Tanganyika under the United Nations Organization than anyone has to be suspicious of the integrity and motives of not only the hon. gentlemen opposite at the present moment but those who will follow them.

That covers, I think, the economic features, but I would like to read from a booklet of which I was part author, called "Outline of Policy", which was published by the Electors Union in this country. It says: "Full realization is coming of the drag upon the development of the African in Kenya which has been caused by the presence of the Indian artisan and working sections and also by the presence of the Indian petty trader in trading centres in the native reserves. Their presence has closed many avenues of employment to the African which, had they been open, would have been used by him and which would naturally have brought about increased economic development".

That is a statement of fact, and I challenge any hon. member of this

Council, whatever sectional interest he represents, to deny that. If the hon. member wishes visual proof of this, let him accompany the hon. African members into the reserves, let him go into the figures of African petty traders and African artisans, and people in employment; as against the great mass of Africans ready to be employed in these categories, and see what has been the result of this policy—a wicked and lamentable policy—of allowing immigration without regard to the economic interests of the inhabitants of the country.

The hon. Member for Eastern Area, too, threw doubt upon the sincerity of the European in his plea for the African and in his concern for the Indian. He stated that the interest in the African had only started in 1939. I can only say that when I arrived in this colony late in 1936 that in all my conversations with all my European friends, right from the beginning there has been recognized the necessity and there has been present the desire, to help the African along the channels of useful employment. As far as the Indian is concerned, I would say this. That when the records of history come to be written in 25 years from now, if this bill is passed it will be the people like the hon. members on the benches opposite and the people among the team I have the honour to be who will be thanked by the Indian of a quarter of a century ahead, that they prevented the true economic interest of the Indian being betrayed for the sake of political catch-phrases, for wherever political catch phrases and political manoeuvres may lead us, in the final issue what matters to the ordinary level of the human being is the protection of his bread and butter, the assurance that he will be able to earn his own living and receive adequate recompense, and this bill is the economic answer and is a move towards that direction. I venture to warn the Indian population that without protection of this kind this country cannot stand the high rate of increase of Indian children and find employment for all, that unemployment will rear its head in a few years and force compulsory migration from this country to places where employment may perhaps be found but not on such good terms and under not quite such pleasant conditions.

(Mr. Vasey.)

Now to deal with the political issue. In this Council not so very long ago, under the leadership of the hon. Member for Nairobi South, we opposed the transference of Tanganyika to the United Nations Organization under a trusteeship agreement to be placed before the Trusteeship Council, because we said that in effect it opened the door of a bastion of British life in Africa. The United Nations Organization since that date has passed through very troublesome times. There has been obviously great dissension in its ranks and, as I stated in my speech at that particular time, good leaders of liberal political thought have expressed doubt as to how long that organization will last, if the present maneuvering to gain world advantages continues inside its ranks. There is abroad in the United Nations Organization to-day a spirit of distrust which must cause unrest, not only from the economic point of view, but from the political point of view, and from the point of view of what may happen in a military sense in the future. I am not ashamed to be called a British imperialist. I believe that in the maintenance of the British Empire and the British Commonwealth of Nations there is some strength which will play, and continue to play, the greatest part in the imperial leadership of this world towards that better general condition for which we have strived. Therefore, anything that tends to weaken that Commonwealth must, in my opinion, be opposed to the bitter end. It is regrettable that Tanganyika has passed from the British colonial system into the hands of a trusteeship system, but because of that we must be doubly careful that nothing can imperil this colony of ours, which is to-day so vital, in a strategic and moral sense, to the great British nation. (Applause.)

If I have any regret about this bill it is that it has not been possible in it to give preference to British subjects; it is that it has not been possible to state publicly in this bill that the whole policy of Government on this question of immigration shall be devoted to keeping out those people who are inimical to the success of the British idea of gradual development of constitutional authority; to the keeping out of those people who have endeavoured to worm their way gradually into the democratic institutions

of the world with the idea of destroying them; and to the letting in of any person, be he black, white or yellow, who will be of value to the social, cultural and political development of this colony as a place wherein is maintained that frame of mind, of tolerant thought, which is inherent in the British people, and which has come to be known as the British way of life.

I beg to support.

MR. FOSTER SUTTON: Mr. President, I propose first of all to deal with the major issue raised by my hon. friends immediately opposite.

I think every one of them has referred to clause 7A (1) (ii), and has objected to it on the grounds that it would allow complete freedom of access to anybody who possesses a certificate of permanent residence granted to them by the Government of Tanganyika. That is perfectly true. I do not personally share their fears in regard to the other territories, and I do not propose now to give any undertaking with regard to that particular clause, because I think it is one that should be examined by the select committee appointed by this Council to consider the bill. What I can say is this, that if no way can be found to protect the position—and at the moment I cannot see that one can be found—so far as entrance from Tanganyika is concerned, the Government will, of course, without the slightest hesitation, consider adopting the proposals contended for by those hon. members. (Hear, hear.)

There is one fear that I should like to dissipate straight away. If Tanganyika is removed from the list and a person had a certificate from that Government and was able to go with that certificate into Uganda, it would not enable him to come from Uganda into Kenya, because the right to enter Kenya would be based on his certificate from Tanganyika, not on one given by Uganda, and if we protect the position as regards Tanganyika, we need not necessarily go the whole hog and exclude the other territories. But I think, as I have said, is a matter which I think ought properly to be left for final decision by the select committee.

Lisening to the hon. Member for the Central Area yesterday I began to wonder what he thought was before the Council, because he seems to have completely misunderstood what I took

[Mr. Foster Sutton] considerable pains to explain, and that was the reason why the Government considered it necessary to introduce this legislation. He said that we completely ignored—to use his own language—the contention that it is completely unnecessary to restrict immigration into this country. That was a contention raised by a deputation which we did the Government of India the courtesy of receiving in this country. It was raised by them based on absolutely no facts whatever, and although I went to considerable trouble to give the hon. members the figures of population—all directed to the reason for the introduction of the legislation—he still found it possible to contend that we had completely ignored the Government of India's contention. I say that the figures that I gave, if they show nothing else, show that it is absolutely essential in the interests of the people of this country that we should have some proper form of restriction of immigration, from whatever source. (Hear, hear.)

He asked me a question, which I regarded as most offensive, and had it been asked in another place I should have known how to deal with the hon. gentleman! He queried my veracity when I stated that I honestly believed that some form of restriction along the lines of this bill was necessary. Well, sir, I am not proposing to say anything more on that point. As I say, if he had queried my statement in another place, I should have been able to deal with him in the manner that I should have liked to have done.

Both he and my hon. friend the Member for the Eastern Area raised the question of the Defence Regulations, and I propose to deal with that and get that out of the way now, because I think that certainly the hon. Member for the Eastern Area must have suffered from a lapse of memory. When this bill was first introduced and we agreed to receive in all the East African territories the deputation from the Government of India, we were urged by that deputation, and by all representatives of the Indian community, not to rush it. We were pressed to go slowly, so that the matter could be fully debated and fully considered. That is what we agreed to do, and the representatives of the Indian

community gave the Government an explicit assurance that, if the Government did not rush the measure, they would not regard it as a breach of good faith if we maintained the Defence Regulations in force. That was a definite assurance given to the Government. To-day, very much to my surprise, I heard the hon. member make the statement that the keeping on of the Defence Regulations could only be regarded as a breach of good faith. Well, sometimes I begin to wonder where we are. I do not understand that type of behaviour. As I say, I am perfectly prepared to attribute it to lapse of memory, but I think, in serious matters of the kind, where this sort of accusation is being flung about, we might be a little cautious.

Going back to the hon. Member for the Central Area (MR. COCKER), he started his speech by saying "this ugly snake which is rattling its head to bite". I think, without meaning it offensively—or more offensively than is necessary—that his remarks might have been directed to his own speech. It is perfectly true that the administration of the Defence Regulations has not always been, as I said when I moved the second reading of this bill, 100 per cent. There is no doubt that a great deal of hardship has been created, but whenever any case has been drawn to the attention of the member responsible, those hardships have been eliminated. The hon. Member for Eastern Area (MR. PATEL) very generously admitted that to be the case. We are dealing with human beings, and the people who are charged with the administration of the Defence Regulations are so frequently tricked and bamboozled by applications made by the Asian community for entry permits that sometimes I feel that one cannot honestly blame them for sticking their heels in and being very sticky about every application that comes in.

I have seen all sorts of trickery resorted to. For instance, on one occasion—which supports the statement that was made by the hon. Member for Nairobi South—a well known representative of the Indian community came into my office complaining bitterly that a certain gentleman had not been allowed to import a man to act as salesman in his store. He stated that it was impossible to get this type of man anywhere in this country. He further stated—waiving the

[Mr. Foster Sutton] under my nose—that, through contract to grant the entry permit, the Indian firm concerned had been compelled to pay the man's salary for 6 months, although he was not working. I suppose he thought that by waiving the contract under my nose I might not have the temerity to ask him to let me have a look at it, but I did, and when I looked at the contract I found that almost everything that he was urging was false. For instance, there was an express clause in the contract to the effect that the salary would only commence to be paid when the man came into the country and took up his employment. Moreover, on glancing through the other clauses I found that they were proposing to import the gentleman to employ him here and pay him the princely sum of Sh. 40 a month! He knew as well as I did, and as well as everybody else did, that it was impossible to obtain that class of person in this country under much less than Sh. 300 a month.

Now that is the type of thing that irritates people who are charged with the administration of the Regulations, and that is why very often they are far stickier in dealing with applications from Indians than they are from Europeans. Because I can say this—and I am glad to have the opportunity of saying so publicly—I have not come across the same sort of thing from any other race in this country.

We have had a little plain speaking, and I think it is probably a good thing! (Hear, hear.)

I thought that I heard the hon. Member for Eastern Area (MR. PATEL) make some remark this morning to the effect that it is only during the last three or four years that we have heard anything about the dangers of immigration from Central Europe. Well, I told him in my opening speech that the Government in 1938—which is very much longer ago than the period stated by him—was so apprehensive about immigration that they thought fit to appoint a board under the chairmanship of my hon. friend the Member for Health, and that board was appointed for the express purpose of advising the immigration authorities in this country on the applications which they were being flooded with from Central Europe. That was in 1938, and

again I think my hon. friend has suffered from a lapse of memory, because the Indian community were fully alive to the position at that time, fully alive to it, and I am going to refer, with the leave of Council, to one or two extracts from the Press of that time, because it is illuminating. They have been accused this morning by the hon. Member for Nairobi North of playing hot and cold, and I do not think you want to go any further than their conduct over this matter than to refer to their attitude in 1938 and compare the attitude they are adopting here now in connexion with this bill.

In the Kenya *Daily Mail* on 20th July there appeared an article headed "Scheme to settle Jewish refugees in Kenya". That started the thing off. Then a little while later the Kenya *Daily Mail* came out with banner headlines—"Settlement of Jews in Kenya. European and Indian Opinion". Then I found this: "Congress view. The Executive of the E.A.N.S." (which means the East African Indian National Congress, of which I believe, my hon. friend is now president, or was until recently) "is understood to have decided to send a memorandum to the Secretary of State for the Colonies protesting against the proposed Jewish immigration into Kenya. In their opinion it would help perpetuate the inequitable practice of excluding Indians from the Highlands". Well, they went on and they not only sent a petition to England, but they again approached, as they did in this matter, the Government of India, and they got the Government of India, cracking on it. In India they 'took' it up, and I have found a quotation in the Kenya *Daily Mail* headed "Opinion in India". Writing on the question of immigration, the correspondent of the *Statesman* of Calcutta said: "There cannot be any doubt that Jewish immigration would create new problems of the first magnitude to the European, the Indian and the Kikuyu and other natives. In a different manner would it be assured, the immigrant Jewish refugee create problems in Kenya as those he has created with such disastrous results in Palestine. He would certainly alter the political balance of the communities resident in Kenya to the disadvantage of the Indian, while in trade, in the services and in other fields he would assert his domination in an equal measure". That was the burden of their tune on 7th September,

[Mr. Foster Sutton] 1938, in an article published in the *Kenya Daily Mail*. Then I found a little later: "Indians opposed to Settlement of Jews in Kenya. Memorandum sent to Secretary of State"—and these are extracts from the memorandum: "The European settlers in Kenya seem to be approving of the scheme, not out of love for the destitute Jews, but mainly to swell the number of white settlers to such an extent as to justify and bring about a statutory reservation of the Highlands to be able to exploit more vigorously the natural resources of the land." Then they go on to express considerable sympathy with the Jews, and to set out at some length the reasons why none of these refugees should be admitted and, of course, they bring in the African—"Worse misfortunes for the Africans would result if they came in".

I thought it worth while drawing attention to these publications at that time merely to indicate, as I think it does, the measure of their sincerity in their opposition to this bill. If that is not blowing hot and cold I do not know what is. Probably they can find another means of describing it.

It is the Government's intention to create an Immigration Department. I have said the view, and the Government has always agreed with me, ever since I had anything to do with this problem that immigration has nothing whatever to do with the police. I agree with the views expressed by hon. members on the other side of Council that it is not a proper thing that visitors to the country should be faced with people dressed up in police uniform to deal with them as immigration officials. I think we ought to have a proper Immigration Department run by people who will make it their life's work, so to speak. At the moment the Commissioner, through lack of staff, has found it, all the way through, impossible to keep the same people always in that department. He has frequently had to change them, and I think it is absolutely essential, especially when we get this new legislation in force, that we should have continuity of policy and we should have, as I say, a separate department which will keep proper records. If this measure is not run and administered properly, it will be a complete and utter failure. (Hear, hear.) I do

not want to build up a top-heavy department. I think that it can be run with very little additional staff which will be more than paid for by certain fees that it is proposed to charge in connexion with the issue of certain documents. If we introduce a proper index system I think the department can be run efficiently and cheaply and to the satisfaction, not only of the public here, but any visitors who come from abroad.

I also agree with the hon. Member for Eastern Area (MR. PATEL) that the person in charge of the high level administration ought to be a fairly high level official. I think that when you get down, as the thing has been administered in the past, to the lower level people who are absolutely inundated with other work, it is almost impossible for them to properly consider these cases.

The hon. member Mr. Mathu said he would prefer to see Africans expressly excluded in the bill itself. That again, I think, is a matter that would be considered by the select committee. If after considering it from all angles it is considered advisable or preferable to do it, he will find no opposition from me. But I would remind hon. members that we have been trying to keep this legislation exactly similar in each of the territories. As hon. members know, it is the intention to carry on straight away tomorrow with our select committee, in Nairobi, and we have arranged for a meeting of all select committees of each territory in Nairobi on the 28th and 29th of this month. I have no doubt that the select committee of this Council will consider it advisable to defer coming to a final decision on matters of detail until there has been an opportunity of discussing them with the representatives of the other territories.

The hon. Member for Mombasa raised a point with which I entirely agree. He referred to the penalty against ship-owners in connexion with prohibited immigrants. I entirely agree that it is not satisfactory at the moment and that we shall have to reconsider the position and protect them to some extent. I do not agree—naturally he understands that this does not rest with me, it will depend on my colleagues also in select committee—I do not agree that it is likely to be practicable to take people off a ship and find a special place of detention for them.

[Mr. Foster Sutton] I really think the expense to the country would be such that such a procedure would be unjustified. It may be possible to work out some other means of dealing with the matter, but merely for the sake of the convenience of the ship-owners, that they do not have to take their prohibited immigrants round the coast, it is too much to expect that for people who evade control there should be a proper detention camp. But I have no doubt that in consultation with my colleagues on the select committee and after hearing evidence from shipping companies, who will doubtless send their representatives to the committee, we shall be able to work out something more satisfactory than the present position.

I said in opening—and I repeat it now—that in spite of the rather touching remarks of the hon. Member for Nairobi and in spite of the statements which are alleged to have been made by the Secretary of State for the Colonies, I maintain that this is a non-racial piece of legislation. I adhere to that view, I have held it all along, that it is not necessary to consider it as a piece of racial legislation. I have always admitted that, by reason of the greater number of people who come from India, it is more likely to hit them harder than the people who come from anywhere else. That is perfectly true. I think it is more likely to affect them, but not beyond keeping the people out who do not need.

The hon. Member for Central Area was good enough to say that we were bringing large numbers of ex-enemy aliens into the country in preference to Indians. That is untrue, that is untrue. If he would take the trouble before making a statement of that kind to refer to the Indian Man Power Committee in Nairobi which is—

MR. COCKER: On a point of order—

MR. FOSTER SUTTON: If it is a point of order I will sit down.

THE PRESIDENT: What is the point of order? The hon. Attorney General did not give way only on a point of order. If there is no point of order he does not give way, and your point of explanation must remain until his speech is concluded.

MR. FOSTER SUTTON: I understood the hon. member to say—and if he chooses to correct me afterwards he will have an opportunity—I understood him to say that we are allowing ex-enemy aliens in preference to Indians. I was inviting him, before making a statement of that kind to take the trouble to make inquiries from the Indian Man Power Committee in Nairobi, which was appointed at the instance of the Indian community themselves. The hon. member Mr. Thakore, I think, is one of the few people who never thought it was a good idea. I shared his view for a long time, and only gave way under consistent pressure. But that committee was appointed, and I think it has done very good work. I should like to draw the hon. member's attention to this fact, he can verify it for himself if he takes the trouble to ask them, that all applications for entry permits go before this committee consisting entirely of Indians, and they make their recommendations to the Director of Man Power on each and every application, and during the last 18 months I am assured by the man power authorities that only about 12 recommendations have been rejected. Practically all the rejections are made by the Indian Man Power Committee itself, and that presents a very different picture to the picture that was being presented yesterday. He can verify these facts for himself if he takes the trouble to do so.

We should be lunatics to seek to keep out people who we really need in this country. We want to regulate it, but we have let in several thousands of new immigrants into this country since the Defence Regulations were brought into force. I can give you the figures, and it is wrong to say a very small percentage of entry permits have been granted to Indians. That is a definite misstatement of fact which I can prove by the figures themselves. I am not going to sit here day after day listening to these misstatements without retorting them! (Hear, hear.)

As I say, we have done and we propose to continue to do so, to let in a certain number of ex-enemy aliens—I am referring to Italians—but we shall only let in the people we think can make a definite contribution to the orderly development of this colony. Since my return from the United Kingdom I have

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given instructions that in future every employer who arranges to import into this country an ex-enemy alien—I am referring to Italians—shall be required to enter into a bond which will contain a clause imposing a penalty, and a fairly heavy penalty, if he does not abide by the conditions, which compel him to insert in every contract with such people a provision that they shall leave the colony at the termination of the contract. The hon. Member for the Eastern Area will be aware of the fact that under the existing ordinance—and we will have to protect the position before passing the present bill into law—under the existing ordinance any person whose contract contains a clause of that kind can be treated as a prohibited immigrant and rejected from the colony if he refuses to leave at the end of his contract.

The reason why we have allowed these people to come in is because we cannot get them from anywhere else, and they are required in this country, and it is considered to be in the interests of the development of this country that a certain number of them should be admitted. I would personally prefer the Indian soldier who fought in the war if he could do the same job (hear, hear), and I have not the slightest hesitation in saying that I would like to see him come in preference to ex-collaborators, ex-co-operators, ex-enemy aliens. (Hear, hear.)

There are certain points that I feel I ought to deal with, raised by the hon. Member for the Eastern Area. I consider that he made out a very good case on a number of his points, if he will permit me to say so. For instance, he referred to people with certificates of domicile under the old ordinance. I do not know as at present advised that I entirely agree with him, because even although a person obtains a certificate of domicile under the old ordinance, he may have left this country and abandoned that domicile. Why should they be allowed to come back in 20 or 30 years' time merely because they were issued with such a document, which is only evidence that they lived here for five years?

I agree with him that we must protect the position so that hardship is not created. He mentioned an extreme case of a man who has been here since 1908,

and left in 1943. My answer is that, he would be regarded as a permanent resident. He might not be entitled under the draft regulations to a certificate of permanent residence, but he would be regarded, if he sought to come back, as a permanent resident, unless he had clearly abandoned his residence here. Supposing he sold his business and his home and announced that he was leaving the country for good, there might be some argument against him, but if he is a genuine resident he would not be precluded under this bill. But I agree that we have got to consider very carefully the draft regulations so that they do not cause hardship to any individual.

He was kind enough to say that the figures I gave were misleading. I do not know how to deal with that sort of remark, because I gave the census figures. I gave the figures taken from the census of 1911 and the figures taken at the census of 1931. I could have quoted, if I wanted to, the census figures of 1926. If they are misleading, then the census is all wrong. Then I gave the figures taken when the Series B ration books were issued. I personally hold the view—rightly or wrongly—that those figures must of necessity be reasonably correct. If they are not, all I can say is that it means that people have been trying to get two ration books. I do not believe that, with the check that was made, that is possible except in a few isolated cases. When the deputation from the Government of India came here we presented them with the 1946 figures, based on the Commodity Distribution Board figures. We gave them a figure, I think it was 84,000 or 85,000, which included Goans, and when we had this very careful check this year we found that those figures were practically the same, so that there was not really very much mistake about it. I think they are reasonably correct, and I see nothing misleading in them. If you cannot base an argument on figures obtained under a properly regulated census, and figures obtained under a check such as that made in January of this year, then all I can say is that no figures are of any value, however obtained.

I should like to correct the hon. Liwali for the Coast. In citing the Arab figures and the increase in population, I was not suggesting that those figures were

[Mr. Foster Sutton]

and I was attributable to immigration, and I was not suggesting that any of the figures I stated were particularly attributable to immigration. What I was trying to show was the general increase in the population. I was not attempting to give figures with the intention that they should necessarily be regarded as being figures of immigration.

I do not think there are any other points I should deal with which were raised by the hon. Member for the Eastern Area (Mr. Patel). He said that the regulation-making powers conferred by clause 12 were far too wide. I admit that they are wide, and I admit that there has been a tendency in this country for the last two or three years to object to wide rule-making powers being conferred on the Administration, but I would say this, that in a measure of this kind, when we are breaking new ground, it is better, anyway in the early stages, to allow a considerable degree of flexibility, and I think that it would be wise to leave the powers as they are now and see how the thing works. It is always possible to amend. We are often accused of sticking our heels to it, it is argued that, once a law is on the statute book, nothing can be done about it. All I can say is, look at your laws, and the hundreds of amendments that have been made from time to time—a very large number of them on representations of hon. members on the other side of Council. I have never once stuck its heels in and refused to do what was right when representations were made, never.

I have no doubt I have left out a number of points, but, as I have already pointed out, anyone who wishes to make representations to the select committee will have ample opportunity of doing so, and I should like to reiterate what I said yesterday, that the Government regards this measure, or something very near it, as absolutely essential in the interests of all the people of this country.

MR. COCKER: Mr. President, on a point of explanation, the remarks attributed to me by the hon. member in regard to a few Italian labour were extracts from a resolution of the Indian Chamber of Commerce. I myself happen to be chairman of the Central Indian Man Power Committee and, as such, I

could never have made those remarks. (MEMBERS: Why quote them?) Another thing, may I take this opportunity . . .

THE PRESIDENT: You have made your explanation and you are not entitled to make another speech.

MR. PATEL: Mr. President, may I rise on two matters of explanation in regard to lapse of memory attributed to me. Firstly, I did not say that I did not know about the people coming into this country from Central or Eastern Europe. What I said was that that was not advanced as one of the grounds for stricter control until three or four years back.

The second point is, that I was accused of lapse of memory in regard to the Defence Regulations and breach of faith. I stated, as the hon. mover knows, that my contention, and the Indian community's contention, was that the Regulations should have been repealed in 1943, and when we agreed to the extension of time it was because we were told by the chairman of the conference that, if we wanted time for making representations in London and Delhi, we should agree to the extension of the period of the Defence Regulations. That is why we had to agree. Still, I maintain I am right.

MR. FOSTER SUTTON: I still maintain you are wrong.

MR. RANKINE: On a point of order, the hon. member said that certain statements may be misleading in this Council and he is not responsible for their accuracy?

THE PRESIDENT: You are quite right—the hon. member must make himself responsible for the accuracy of such a statement before he brings it to the Council.

The question was put and carried.

MR. FOSTER SUTTON moved: That the bill be referred to a select committee consisting of—himself as chairman, Mr. Mortimer, Mr. Mbarak Ali Hameed, Mr. Cooke, Mr. Vasey, and Mr. Opaaga.

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

ADJOURNMENT
Council rose at 12.55 p.m. and adjourned till 9 a.m. on Thursday, 6th November, 1947.

Thursday, 6th November, 1947
Council assembled in the Memorial Hall, Nairobi, on Thursday, 6th November, 1947.

The President (Hon. W. K. Home) took the chair at 9 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 5th November, 1947, were confirmed.

LIQUOR (AMENDMENT) BILL NATIVE LIQUOR (AMENDMENT) BILL

SELECT COMMITTEE REPORT

MR. TROUGHTON: Mr. President, I beg to move: That the Select Committee report on the Liquor (Amendment) Bill and the Native Liquor (Amendment) Bill be adopted.

These Bills were referred to select committee some time ago as a result of a number of points raised by hon. members, notably the hon. member Mr. Mathu, on the debates on the second readings.

The report recommends a redrafting of the Liquor (Amendment) Bill. The main reason for this is that, under the original Bill, provision was made for the holder of a wine merchant's and grocer's liquor licence to be given a further licence or permission to sell non-spiritous liquors to Africans. The select committee felt that that should not be confined to holders of wine merchant's licences, but that anyone within the court might decide was a suitable person, and who could establish that he was a man of substance, and not a man of straw, should be allowed to go in for this particular trade. Consequently, the committee recommended a completely new type of licence for which anyone, including an African, would be eligible to apply, provided that when the court sits to issue or to consider the granting of these licences one or more Africans should be co-opted. The annual fee proposed for this type of licence is £15. The object of that is to ensure that people who take out this licence are in fact people of substance and not, as I said before, people of straw. On the other hand, if an existing wine merchant and grocer whom

the court is prepared to accept enters this trade, he is given a licence for the nominal fee of Sh. 10 because he has already paid a substantial fee for his existing licence.

For the rest, no changes in principle from the Bills are proposed, and there is only one other point that I would mention. The select committee did hear evidence from representatives of the Nairobi Municipal Council, who rather feared that the sale of beer to Africans might interfere with the revenue of the Municipal beer shop, and that revenue is used to finance a variety of very valuable services to Africans in the town. The Municipal Council representatives felt extremely worried about the future prospects, and there was a variety of talk about the position and this and that. The select committee came to the conclusion that this particular issue should not affect the passage of the Bill, which the committee felt was a desirable measure, and that if in future the proceeds of the beer shop fell off, then it would be up to the Municipal Council to negotiate with Government regarding the perpetuation of the services financed from the beer fund. But actually we feel that, in view of the difference in price between native beer and the beer that will be sold under these licences, there is really very little likelihood of those profits being interfered with, and the committee believed that sales would be maintained, though, of course, only time can tell.

As regards the second bill—the Native Liquor (Amendment) Bill—the amendments are purely formal, purely drafting. Instead of simply saying wines and beer, we give a rather closer definition and refer to ale, beer, porter, cider, and the like. That is purely drafting.

MR. THORNEY seconded.

The question was put and carried.

CUSTOMS TARIFF ORDINANCE— 1947

EXEMPTION OF GOVERNOR'S GOODS FROM DUTIES

MR. TROUGHTON: Mr. President, I beg to move: Be it resolved, that this Council approves of the introduction of a Bill to amend the Customs Tariff Ordinance, 1947, with the object of exempting His

[Mr. Troughton]
Excellency the Governor from the payment of customs duties in respect of goods used by him and his personal household.

It is the general practice in most colonies that the Governor is exempt from the payment of customs duties in respect of goods imported by him for use in his household. That is the case in the neighbouring territories of Uganda and Tanganyika, and also elsewhere. The matter has been discussed informally by official members of this Council, and I understand that there is a general wish that the Kenya practice should be brought into line with that prevailing elsewhere. The present time, when the Governor is absent from the colony, seems appropriate to take the necessary action. If the motion is passed steps will be taken to prepare the necessary amending Bill with a view to introduction into this Council as early as possible.

MR. HOBSON seconded.

The question was put and carried.

SEEDS BILL

SECOND READING DEFERRED

MR. HOBSON: Mr. President, with the leave of Council I would ask that the second reading of this Bill be deferred.

PRESIDENT: I take it Council is willing?

Deferred accordingly.

VAGRANCY (AMENDMENT) BILL WITHDRAWN

MR. HOBSON: Mr. President, since this Bill was placed on the order paper, certain other matters have arisen with regard to the principal Ordinance which require consideration. It may be that after that further consideration further amendments will be found necessary, and I ask leave to withdraw this Bill.

Withdrawn accordingly.

CUSTOMS TARIFF (AMENDMENT) BILL

IN COMMITTEE

MR. TROUGHTON moved: That Council do resolve itself into committee of the whole Council to consider, clause by clause, the Customs Tariff (Amendment) Bill.

MR. HOBSON seconded.

The question was put and carried.
Council went into committee.

Clause 2.

MR. HOBSON moved: That clause 2 be amended by (a) deleting the words "per pound" and "Sh. etc." above the figures 44.00; (b) inserting after the words "cigarettes, snuff, and n.c. in items 30, 31, 32, 33, the words "per pound"; (c) by deleting the words "per pound" and "Sh. etc." above the figures 5.00; and (d) by inserting after the word "unmanufactured" in item 34 the words "per pound".

The question was put and carried.

MR. HOBSON moved that the Bill be reported with amendment.

MR. FOSTER SUTTON seconded.

The question was put and carried.

Council resumed, and the President reported accordingly.

MR. TROUGHTON moved: That the bill be read the third time and passed.

MR. HOBSON seconded.

The question was put and carried, and the bill read accordingly.

BILLS

THIRD READING

MR. HOBSON moved: That the Liquor (Amendment) Bill and the Native Liquor (Amendment) Bill be read the third time and passed.

MR. TROUGHTON seconded.

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

ADJOURNMENT

Council rose at 9.15 a.m. and adjourned till 10 a.m. on Monday, 24th November, 1947.

Monday, 24th November, 1947

Council assembled in the Memorial Hall, Nairobi, on Monday, 24th November, 1947.

The President (Hon. W. K. Home) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 6th November, 1947, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 84—EUROPEAN AND ASIAN EDUCATION

MR. COCKER:

(a) What is the total number of pupils in (a) European and (b) Asian Government schools in Kenya? (b) What is the number of the European and Asian teachers respectively for the above-mentioned students engaged by the Education Department? (c) What is the average salary earned by European and Asian teachers?

DIRECTOR OF EDUCATION (Mr. Patrick): There are 2,489 pupils and 138 teachers in European Government Schools and 3,459 pupils and 295 teachers in Asian Government Schools. The average salaries earned by European and Asian teachers are £446.17.00 and £181.70.00 per annum respectively.

No. 85—TEACHING CERTIFICATES

MR. COCKER:

(a) What number of the European teachers have got the ordinary Board of Education, alias the Ministry of Education Certificate from England? (b) What number of Asian teachers have got (i) the post-graduate degree of Bachelor in Teaching from any Indian university and (ii) the Ministry of Education Certificate from England?

MR. PATRICK: The number of European teachers with the ordinary English Board of Education Certificate is 85. 10 men and 4 women Asian teachers hold the post-graduate Bachelor in Teaching Indian qualifications. No Indian teachers hold the Ministry of Education Certificate.

No. 86—EDUCATIONAL STAFF

MR. COCKER:

1. What number of the European and Asian (respectively) educational staff of the Kenya Education Department including the inspectorate and the teachers hold the post-graduate diploma in teaching from London, Oxford, Cambridge or any other English university? 2. What posts are they holding at present? 3. What salaries are they drawing at present? 4. What is the minimum starting salary to which a European and an Asian holding the post-graduate diploma in teaching from any English university is entitled?

MR. PATRICK: 39 European and 2 Asian members of the staff of the Education Department hold teacher's diplomas from British Universities. Of the 39 Europeans, 3 are Senior Education Officers and the others are Education Officers appointed as Principals of schools or teachers in schools. The 2 Asians holding teacher's diplomas are teachers. The salaries of the Senior Education Officers range from £690 to £920 per annum and of the Education Officers from £520 to £920 in the case of men and from £390 to £464 in the case of women. The salary of one of the Asian teachers is £354 per annum and of the other £230 per annum. The minimum salaries for members of the staff with the Diploma in Education of a British University, are as follows:—

	£
European, male	350
European, female	320
Asian, male	182
Asian, female	145

No. 87—EDUCATIONAL QUALIFICATIONS

MR. COCKER:

What are the educational qualifications of the two Europeans, of whom one is at present in England, and the one Asian members of the staff for the present session of the Government Indian training college in Nairobi, and what posts are they holding at present?

MR. PATRICK: The Principal of the Government Indian Teacher Training Centre who has recently returned from leave, holds a Degree of Leeds University and a Diploma of Education. He has had 15 years' teaching experience in a

(Mr. Patrick) in Kenya and also secondary school in England. The previous experience to be appointed as this Centre in 1948 holds a London Degree and a Diploma of Education. He is at present Science Master at the Prince of Wales School where he has served for three years. He has also had educational experience in Mauritius and England. The Asian member of the staff, who holds an Honours Degree in Art of Bombay University and a London Diploma of Education, took up duties at the Centre in September this year. He has had four years' teaching experience in a Government secondary school in Kenya and in addition several years' experience in schools in Indian and in an aided school in Kenya.

No. 91—GOVERNMENT STAFF HOUSING

MR. PRITAM:

Is Government aware that some of the Government employees (Asian) had to resign their posts because of their transfer to stations where no housing accommodation was available for them and, if so, will Government please as far as practicable transfer its employees only when suitable housing accommodation has been arranged in advance, especially for those who are entitled to it?

MR. THORNLEY: No Sir. But if the hon. member will send me particulars of any such cases as he has in mind I will look into the matter further.

No. 93—INDIAN TRADERS

MR. PRITAM:

In order to afford security of tenure to the Indian traders in townships and trading centres situated in native reserves, as well as in settled areas, will Government please implement the assurance contained in letter No. G/LND. 30/3/19/47 of 5th May, 1945?

MR. THORNLEY: I regret that, as the staff position in the Survey division of the Lands, Mines and Surveys Department is even more acute now than when the letter was written, to which reference is made in the question, it is not yet possible for Government to give any indication when surveys of the small townships and trading centres will be undertaken.

The present position is that a great deal of town planning and survey work remains to be done in the municipalities and large townships, and this work must have priority.

DEBATING PROCEDURE

TIME LIMIT TO SPEECHES

THE PRESIDENT: I have been given to understand that it is the wish of the Council that no member shall speak for more than 30 minutes in the debate on the motion to refer the Draft Estimates to the committee of the Council. The Clerk, five minutes before an hon. member's time is up, will ring his bell once (laughter) as a warning to the member then in possession of the floor, and on the 30 minutes will strike the bell twice, when accordingly the member then addressing the Council must resume his seat.

DRAFT ESTIMATES, 1948

REFERENCE TO COMMITTEE OF COUNCIL

The debate was resumed.

SIR ALFRED VINCENT: Mr. President, in rising to support this motion I should like to thank the hon. mover for his very clear introduction of the estimates on the third November, and also to congratulate him on being able to announce that Government had decided to keep faith with the country in accordance with the assurances which were given in previous debates regarding income tax relief. As far as the tax reductions which were announced by the hon. mover that we concerned, I should like to record that we accept the reductions announced by him as a fair response by Government to the recommendations contained in the Plewman Report.

I am not going to go into much detail on the budget, because I have only limited time, but I am certainly going to deal with main principles and to refer to other points which were mentioned in the hon. mover's speech.

The first was his reference to the fact that Government has not succeeded very well in keeping down the cost of living during 1947. I think he is being unduly modest, because even the Financial Secretary of Kenya, or even the Kenya Government cannot keep down the upward trend of world prices. Hon. members will remember that in the debate on

[Sir A. Vincent]

The Standing Finance Committee report last year I told Council that I had investigated means of reducing the cost of living by means of subsidies on commodities which were rationed by coupon, such as cereals, and I pointed out that a subsidy of Sh. 2 a bag would cost, on one million bags, £100,000, and that such subsidy would only reduce the cost of maize meal to the African by about one cent a lb. I am aware that such a reduction would have very little psychological effect on the African, but in the case of a rise in the cost of basic food stuffs the psychological effect will assuredly be very marked, and I therefore came to the conclusion that Government now be prepared to examine the wisdom or otherwise, of subsidizing basic foodstuffs which are rationed, in an attempt to halt the vicious spiral of inflation.

It will interest hon. members no doubt to know what Northern Rhodesia are doing. They have already decided to subsidize essential, and they propose to do it to an extent which Kenya, possibly, could not afford. Briefly, what they are doing is as follows, as stated in the *Sunday Times*, Johannesburg, 2nd November, 1947:—

*"Northern Rhodesia takes steps to halt cost of living rise. Mealie Afzal to be cheaper in Africa:—*Practical steps have been taken by the Northern Rhodesia Government to stem the tide of the rising cost of living. Customs duties have been suspended on many imported articles such as wheat, blankets, carpets, linoleum, piece goods, enamel, hammers and bicycles. The prices of wheat flour meal and the cheapest kind of soap have been pegged at their August level. From today"—(presumably 1st November)—"the retail price of maize will be reduced to 11s. a bag, and mealie meal will be between 15s. and 15s. 6d. per bag, the lowest in any East or South African country. This involves a Government subsidy of 13s. a bag on locally grown maize, and about 50s. a bag on imported Argentine maize. It is estimated that the cost of the maize subsidy for 1947 and 1948 will be nearly £1,100,000, and a committee has been set up to consider whether part of this can be recovered from employers of labour, or by some other means. The subsidies and customs

rebates are the outcome of the recommendation of a special Commission appointed to inquire into the whole question of the cost of living in Northern Rhodesia."

To see what was involved in actual figures by Kenya subsidizing, for instance, maize, I have obtained definite figures of consumption which include Kenya civil, stockfeed, famine relief, Kenya and Uganda Railways and Harbours, and the military, and the figures were as follows:—For 1946, one and a half million bags; for 1947, just over one million; and for 1948, the estimate is about 1,090,000 bags. So that Kenya's consumption can be taken relatively in a good year at just over a million bags, and in a poor year at 1,500,000 bags. As I have already stated, a subsidy of Sh. 2 a bag on one million bags will cost the country £100,000.

An increase in the cost of basic foodstuffs must have an effect on the whole economy of the country, and the effect of the actual increase of the basic foodstuff is not all, because there are further charges consequent upon the rise in the basic price, and as a result wages must increase, and they may well increase beyond the normal economic capacity of the country, although it is hard to judge at the present time what the future economic normal capacity of the country is going to be. But there is no doubt about it that if the prices rise to a particular level throughout the territory it is going to be almost impossible for the prices of basic foodstuffs to recede, and it may have a very, very serious effect on the future of this country, because our cost of production may be so great that we may defeat our own industry. Because the cost of labour is a considerable element in the figures involved when computing the necessity or otherwise for a rise in the price of maize, once the price of maize is increased, then the agriculturist, the producer, whether it be of maize, or wheat or coffee or anything else, has that burden to bear, and the producers of the basic foodstuffs have a justifiable case for asking for a further increase in price, so that we are just on the spiral up and up!

I think we must also very seriously consider the wheat position, because if there is a shortage of maize then we have to mix wheaten flour with the maize

[Sir A. Vincent] in order to have sufficient rations for the whole country, and that may cost a great deal and may run into a considerable number of bags in any particular year. It may run, as far as I understand it, to about 300,000 bags a year.

I have heard the usual comments that we should not allow increased prices to the producers of maize and wheat, but really there is no logical ground for such assertion. The prices paid to the producers of maize and wheat in this country are probably the lowest prices paid anywhere in the world to-day, and it is wrong to suggest that the agricultural industry—or indeed any other industry—should not receive a fair and just return, but should be used instead as an instrument to keep down the cost of living and thus bear the burden for the rest of the community.

As you have already heard this morning in Northern Rhodesia to sell mealie meal between 15s. and 15s. 6d. a bag requires a subsidy to the consumer of about 50s. a bag on imported maize and 13s. on locally grown maize, and one is aware to-day that the world's wheat price has risen, according to Broomhill's *Corn Trader*, to 53.10 a bushel, which is equivalent to Sh. 49/90 a bag in the United States of America. Likewise maize is Sh. 42/60 a bag ex-Chicago, not c.i.f. Mombasa, and the export price of maize from Mombasa may well be Sh. 45 a bag, and wheat Sh. 55 a bag, for which the Kenya farmer is paid about half these amounts.

I have, therefore, given these brief details because I think it is essential that Government should, at this juncture, investigate very fully the principles involved, and the advantages and disadvantages which will accrue from the subsidization of basic foodstuffs and its effect on Government expenditure and the future economic structure of the country, and I ask that Government give an assurance that that investigation will take place.

The hon. mover twitted the hon. Member for Nairobi North and myself for not having raised a hue and cry because petrol was raised in price by 20 cents a gallon payable to the oil companies, as a result of a proved rise in cost to the oil companies. Well, the hon. Financial Secretary very well knows by now that

neither the hon. Member for Nairobi North nor myself criticize anything which is just and reasonable; it is only the unreasonable and unjust action, or lack of action by Government, that we have no hesitation in criticizing at any time. (Laughter.)

Now to deal with the figures in the budget as such, in total aggregate.

The hon. member went to great pains to explain to us how the budget is prepared, and there is another little picture I should like members to bear in mind and which goes further to show, in abnormal circumstances, how wide the budget—must necessarily be of the real requirements of the country, not only in total but also in particular.

The Financial Secretary's office has kindly provided me with information which gives me this figure. In 1946 the total approved estimates, including war expenditure and reimbursements from other Governments, were £7,700,000 odd. During that year we were unable to spend nearly three-quarters of a million of that, £745,000, and special warrants were issued to the extent of £1,840,000. I am aware that £400,000 of that went to D.A.R.A. loans to the Nairobi Municipal Council, £150,000, and Public Works stores; unallocated, £160,000. But even disregarding the special warrant feature we were unable to spend nearly three-quarters of a million, and I understand that this year we are likely not to spend between £450,000 and half a million, and the special warrants may reach a figure of one million.

But there is one point I do want to make to members on the other side of Council and heads of departments, and that is this: that the hon. member has never told us how much, in the estimation of the heads of departments and members, they require to run their departments efficiently in the full interests of the country. But here I would say that, if any Member or head of department is criticized in this Council or elsewhere for not rendering efficient services for which he has asked for the necessary funds, and which have been refused or denied, and which have been in this Council he has a cast iron defence in this Council and outside, but curiously enough I do not think I have ever heard that defence used. It must be a great tribute to the loyalty of heads of departments to the Financial Secretary, I assume.

[Sir A. Vincent]

As far as the expansion of the Secretariat is concerned, there are many of us who still doubt whether the Membership system is working as was originally envisaged. I still feel personally that there may be a good deal of duplication of work going on.

I agree with the hon. member's remarks regarding education and the increased financial requirements of this department, but whatever these requirements are I do not think we should lose sight of the fact that our building programmes are many years behind and that it is essential that we make a start on building the Kenya Girls High School. Whatever difficulties confront us because of the present economic conditions, members of Council should not be tempted to put off in any way the commencement of this building, although it may have to be built on very austere lines compared to those originally intended.

I am sure we all agree with the hon. member's remarks on the greatly increased costs of the education and medical votes, and are certain that there must be a better spread between the communities of the expenditure involved in these departments.

There is one point which I want to raise with reference to the Medical vote. It has been brought to my notice that Government have from 1st November, imposed new fees in the European hospital, which have not been in force before. I refer to laboratory services which were free and are now to be charged for; dressings were free, and are now also to be charged for. Laboratory services have always been free, and also dressings, and they were free when the hospitalization scheme was brought into force. Europeans are not only asked to find the heavy contribution to revenue for the Authority, but they also now have to face these fresh charges which were not in existence before in the European hospital. This hospital used to have an average of 26 operations a month, the average is now 99, without, I believe, any increase in staff, and yet nurses are now, it is suggested, being asked to get down every piece of lint or what-have-you which every patient has, which does not make for greater efficiency of the very over-worked staff. I can see the hon. Director shaking his head, but I am assured by a

very well known Irish doctor that that is so. (Laughter.) I would ask the Government to reconsider this matter and to give a full explanation as to why this has been done, because we take an exceedingly poor view of it.

The only other thing which I am going to press to-day is on this question of labour in association with the present world conditions. In the budget debate on the 22nd November, 1945, I stressed the need, with the support of my colleagues, for a strong and competent Labour Department. Government responded and, in my personal opinion, within the confines of their creed, they have done a very good job for the country. Their's was a task which was not pleasant; it bristled with difficulties from every possible angle. But let us examine the present position. The hon. member, in speaking on this question, after having referred to African tax evasion, stated: "The collection of taxes, without evasion, is an integral and indispensable part of good Government", a text, by the way, which I think should adorn the offices of the Commissioner for Income Tax, all the offices of the members of his department, the office of every provincial commissioner, every district commissioner, and every revenue officer in the country.

But the hon. member then went on to say, with regard to labour specifically: "Secondly, we have made provision for labour exchanges. As a matter of fact, these have been working for some time past, but they have been paid for from the vote for demobilization and used primarily for the reabsorption of demobilized soldiers. We now propose, subject to the consent of Council, to continue these labour exchanges on a permanent basis. Generally, Labour Department expenditure is up, but I think we would all agree that, with the problems of inflation and all the rest of it, we do need a strong and responsible Labour Department in this Colony which will endeavour to preserve the harmonious relations between employer and employee which have been, by and large, so conspicuous a feature of this Colony in the past."

Nobody is going to quarrel with that statement. It describes the policy which has enabled us to jog along in such a haphazard manner for half a century. But what of to-day? Are we to continue the old policy in these present conditions. I

[Sir A. Vincent]

say we cannot and should not. Preserving the harmonious relations between employer and employee; seeing that labour is fairly and justly dealt with, the operation of labour exchanges for those who want work and apply for work, is naturally an essential part of the work of this department, but in these modern times, under these changed conditions, is completely missing. Government must be aware that all our crops are not being reaped, a great loss to the country is reported, by the Sisal Association, for last year of half a million sterling, and the loss this year may be a million, many coffee planters also are unable to pick all their crop, and other vital food and dollar commodities are similarly affected.

Government must also be aware that Sir Stafford Cripps stated recently that "we must be prepared to change our outlook and our habits of colonial development, and force the pace so that, within the next two to five years, we can get a really marked increase of production in coal, minerals, timber, raw cotton, materials of all kinds, and foodstuffs, and anything else that will save dollars and sell in the dollar market." Government must also be aware that in Britain everyone must contribute, by work, to the national effort, so as to increase the output of food, dollar saving and earning commodities.

What is happening here? The policy laid down many years ago is still being followed, so that, although there exists a great reserve of labour in this country, huge losses are occurring in crops not being reaped, famine relief is being afforded at reduced prices or free according to the economic state of the district, and maize and wheat farmers are paid about half the regular world market prices. Thus cheap food is made available to the African, but Government will not organize labour because, 50 years ago, it was laid down that Government should not act as a labour recruiter. In my opinion the whole position to-day is both stupid and illogical, and requires reviewing immediately.

It is all very well for the British Government through Sir Stafford to urge us to help in the way he does but, if, on the other hand, the British Government shrinks from doing in Africa what

it is doing in England because of the criticism of queer societies and if I may say so, queerer nations, we shall get nowhere at all. The African responded when the war was on and did his part splendidly, and I cannot believe he will fail to respond now if the case is put to him in the correct manner. With Government authority, provided Government organized labour and directed it. We hear a lot about pressure on the land and the need for education, but surely the pressure on the land will increase instead of decreasing, and it must be one of the first duties of the Government to relieve the pressure by organizing labour for the industries of the country, and seeing that its treatment and conditions under which it works are correct and a benefit to the worker. I know the usual answer, that this shortage of labour is due to lack of consumer goods, but it is not the right answer, an honest to God answer. The honest answer is that Government is not allowed by the pundits at home to do the job it ought to be doing for the Africans in this country.

When the matter of labour was raised in the past, and a particular district was receiving a great deal of famine relief, figures were always served up to prove that all the able-bodied men in that particular district were working, etc. Until recently we have been humbugged in the same way over poll tax evasion, and I same way over poll tax evasion, and I hope the hon. Financial Secretary will be able to say in his reply that Government is now thoroughly aroused, to use his own expression, to the very serious situation and the past non-realization by Government of their real responsibility in this matter of labour. In fact, may I suggest to the hon. member that another text might be added to the words of wisdom which he gave us in his opening speech? That is, that the efficient organization is also an integral and indispensable part of good government (Hear, hear.)

I want to make it quite clear that I do not blame the African. They have by Government past policy, and present policy, I am afraid, been lulled into a sense of security that they would be well cared for whatever happened, whether they worked or not, because this has, in their sentime of stress, they should do their part. This should be the first phase of their education, the education of their

[Sir A. Vincent] responsibility towards the state. There are many points I could dwell on. I understand the method of recruitment of labour is not all that could be desired in many respects on the part of some people. I am aware that Government may not be able to give an assurance on this matter before the committees on the estimates reports back, as instructions will no doubt have to be sought from the home government, but I would remind this Government that Africans can be called on to work for a specific time each year for their own community, and the economic position is so grave as to warrant this principle being extended to the whole community of Kenya upon whom the safety, welfare and progress of the African depend, and I sincerely believe the African will respond if Government is prepared to do its part. They will realize that they cannot expect education and social services, if they are unwilling to support Great Britain in her great endeavour. I therefore ask that representations be made to the Secretary of State at once so that this very serious situation may be overcome.

There was very little in the hon. member's speech that one can quarrel with, but he ended with a warning, and I will also.

We come back to the old battleground. He stated that recurrent expenditure was going up, and that we could not expect the present rates of taxation to continue, and he warned us that they might go up next year. Government still persist in thinking that the rate of taxation should be governed by the increase in recurrent expenditure, while we maintain most emphatically that taxation should be governed not by recurrent expenditure but by the ability of the country to pay and the ability of Government to collect taxes from all members of all communities within the right period, so that willing taxpayers cease to be overtaxed for those who do not pay and because Government cannot collect. So that let us have a clear understanding on this point established now, as we will resist any other policy or method of dealing with the finances of this country.

I beg to support.

MR. THAKORE (Central Area): Mr. President, as in previous years I am going to confine my speech to the Controls that

are operating in this colony. I am not fortified by a written speech to be able to speak quickly (laughter), because I am thinking while I am speaking!

I will start off with the Imports Control. There has been a lot of agitation in recent months of the working of the Imports Control, and that establishment does not seem to be functioning to the satisfaction of the public. The Imports Controller is wielding powers which are very great. I am afraid that his powers are greater in many respects than those enjoyed by the Governor. I will read what they are: Section 8 of the Control of Imports Order, 1941, says—“The Commissioner of Customs may refuse to grant an Import licence or may grant a licence to such an extent or subject to such conditions as he may think fit, or may cancel any licence already issued, without assigning any reason”. The Commissioner of Customs seems to have delegated his powers to the Imports Controller in respect of licences.

Until recently the Imports Controller has carried out this authority single handed, and he can use that authority as he likes. Very often complaints appear in the Press that that authority has been abused. The interests of the consumer have not been safeguarded, nor have the interests of establishments of trading communities who are dependent on the supply of goods to carry on their establishments, resulting in costs which are higher than he can afford to spread over the quantity of goods under his control. That being the case, the consumer has to pay exorbitant prices, and although goods may be available in certain parts of the world, often from sterling areas, the merchant community have not got the freedom to get the goods from wherever possible, with the result that the expenses of the trading community go on, shortages are artificially created, and the consumer has to pay for it, resulting in general dissatisfaction all round.

It is now 21 years since the end of hostilities, and therefore time that legislation enacted at the beginning of the war or in the earlier years of the war should be scrapped and normal conditions restored, so that the public can live a normal life instead of being called upon to be regimented all the time.

I next come to the Building Control. As is commonly known, there is an acute

[Mr. Thakore] shortage of houses, and it is also common knowledge that a number of persons, either influential or favoured or too clever for the Building Control, have obtained permits to build for purposes of profit. If the Building Controller looked at the advertisements appearing in the press offering new houses for sale, he would discover that this has been going on for a long time, while genuine applications from people who require housing accommodation for themselves are often refused or delayed for months together, so that the racketeers and the public at large have to pay for the inefficiency or mismanagement of the Controller. I hope that even in this direction the public will be given an opportunity of finding materials where they can be taken to a very early date to remove the control.

Recently, some cases have come to my notice where large business premises have been allowed to spring up in preference to houses. That matter might be looked into and houses receive priority over business premises, although even in that field there is a shortage. This has led to the demand of what in China is called “key money”, and it is very common in all directions, both in respect of houses and business premises. To my mind, and I have been worried over this for a long time, the only solution seems to be to allow members of the public to use their ingenuity to get materials from where they can, secondhand or new, whatever is available, and build in order to relieve the situation.

I now turn to the work of the Commodity Distribution Board. Two or three years ago I was a member of the board, and I found by experience that things were not working satisfactorily. The members of the board made suggestions which were seldom carried out. There has been a lot of mishandling in the inner work of the board also, as evidenced by one or two sad cases that came before the courts, but it is not only those who were caught but there may be quite a large number of others who have escaped being caught. Things have not been above board in the work of the Distribution Board; it has not helped members of the consuming public, and the queuing up that takes place to obtain ration books is deplorable. Here again I would say that

the Control, instead of being helpful to the consuming public, plays into the hands of the racketeers and black marketeers, with the result that the consumer does not get the quality of his stuff. The good quality stuff is removed and sold in the black market, and chaff is pushed off to the consumer, bad grain, stinking oil, broken rice (suitable for dog food), etc.

I hope very seriously that this control will be removed, and if it is felt by Government that they are protecting the interests of the consumer I would urge that, even if it means we have to do without other things or have to put up with short supplies, save us from this board and do away with control. I remember a few years ago in company with two friends of mine as members of the Ghee Advisory Board we toured for 18 days both in Kenya and Uganda, and we put forward an elaborate report to the Controller, but none of our suggestions were ever carried out. What did we discover? We discovered that a producer of rice in Uganda was being paid a price far below the cost of production, and he never brought forward that rice to the Controller but sold it in the black market to Indian consumers. If that is the way that the Controller is better if they stopped protecting them. From the floor of this Council last year statements were made on the question of the availability of rice, and my colleague on my right told Government that most of the Indians eat rice because it formed the staple part of their food and they could do without it, and that they obtained it from the black market. Within the period that has elapsed no serious steps have been taken by the Commodity Distribution Board or the Produce Controller to make rice available to the Indian community, except in the last few days it has been announced in the press that two pounds of rice will be given to each person, but for months the Indian community have been deprived of an essential part of their diet, and that is not how this Control should function.

If it is found necessary to keep all these controls, they must look after the interests of the consuming community and provide the materials. If they cannot, they had better leave the members of the public to look after themselves and the cost of their mismanagement. Generally speaking, quality has been sacrificed all the time, and very

[Mr. Thakore]—The rotten stuff has been dished out to the Indian consuming population. That has affected their nutrition, and no community can go on for a long time under those conditions.

References have been made to the cost of living: Whereas according to the official figure the increased cost of living is in the region of 66 per cent above pre-war, the actual fact remains that it is in the region of 250 per cent, because most commodities have to be bought in the black market if people want to exist. It is no use shutting our eyes to this or going on with the maintenance of controls and paying doubly for their mismanagement as well.

Having said that, I will turn to one last item, and that is in respect of shamba leases. In 1903 shamba leases for ten years were given out for cultivation to Indian smallholders in Nairobi. They expired in 1913, and ever since, for some reason or other, although Government is committed to giving an extension of the leases, the holders or their successors in title have not been able to obtain legal extensions. I particularly use the words "for some reason or other", and not "excuses", because every time this question is brought to the notice of Government they have pleaded lack of surveyors, lack of staff, and one thing or another, but surely no one can believe that because of lack of staff or whatever it may be, town planning, or what, the issue of extended leases has not proceeded in the last 34 years? It is high time that that state of affairs was remedied and people entitled to these leases put in possession of them.

With these remarks, I support the motion.

Council adjourned at 10.53 a.m. and resumed at 11.11 a.m.

MR. COOKE: Mr. President, when in the Plewman debate I had the impertinence to describe that report as "glimpses of the obvious", I had no idea that I would so soon have to describe another document in the same terms! This budget, I think, is a very pedestrian one, dull and uninspired, and when I say uninspired I mean uninspired in the heavenly sense, because it has certainly received a good deal of inspiration in the earthly sense and, indeed, has not only been inspired, but I think impudently and impudently by my hon. friend the Member for Nairobi

South. Indeed, it becomes almost a case to-day—and I congratulate the hon. Member on it—when father says turn, they all turn. (Laughter.)

When I listened to the hon. member that day I said he was chastising the other side with whips, and when he got up to reply to the debate he certainly chastised them with scorpions. I was sorry to hear the hon. Deputy Chief Secretary, whose speech, if I may say so, was a courageous one, utter what appeared to me to be an apology, because there are a great many people in this country who agree with my hon. friend that this country is not over-taxed. When I say not over-taxed I do not mean to say that the distribution of taxation is what it should be. I do not think it is, and therefore I think that it was a very reasonable attitude on the part of Government to agree to suggestions with regard to rebates of income tax.

I do not suppose any of us can really say what taxation this country can bear and what it cannot. It is entirely a question of the national income of the country, and one man's guess is as good as another's with regard to that national income. I shall be greatly daring, and would put the national income of this country at something between fifty million and three million pounds. I do not know whether the hon. Economic and Commercial Adviser would agree to taking, say, fifty-five million as a rough estimate of the national income, and assuming that one is allowed to take about 15 per cent of that, then our revenue estimate of about eight million seems to me to be about right.

When I read the Plewman Report and the Woods Report and observed what they have to say about the abundance of sources of revenue of this country, and when I visit Nairobi and see the shops teeming with purchasers, and consumer goods in very free supply, and when I see their luxurious cars—sometimes not parked where they should be in Nairobi;—I am impelled to believe that there is a wave of prosperity in this country, and I think—and I strongly hold this view—that this is the time to build up reserves, because the time is coming when, I do not say revenue will fall, but when there will be much more call on that revenue.

The hon. Member for Nairobi South made a plea on behalf of the Kenya Girls High School, and I could not agree

[Mr. Cooke] and I also would make with him more, and I also would make a plea that very soon, if not already, there is absolute necessity for a secondary school for European boys. If the British way of thinking, of which we have been so much recently, is to prevail in this country, then it is absolutely necessary that the education of the youth of this country should be on British lines, and it may be that another Prince of Wales and other schools of that standard, at a rough guess, will cost anything up to half-a-million pounds, plus recurrent expenditure. I therefore think that now is the time to take the money out of the pockets of the taxpayers, to provide for future contingencies, and also, as we have been told, to mitigate the present inflation. Therefore I am strongly of the opinion that we should keep up the level of taxation, but that it should be redistributed.

What concerns me most, and I think what concerns my hon. friend the Member for Nairobi South, is the expenditure of that taxation. There is no doubt that it is practically every department in this country there are chaos and inefficiency. Where the fault lies it is not for me to say, but there is an Efficiency Committee sitting at the moment, and some of their reports, if seen by members of this Council or members of the general public, would be found to be pretty startling. I think that in where we must have a complete overhaul, in expenditure, and we must be ruthless. Get rid of anyone, no matter how senior he is, if he is not pulling his weight and if for some reason or other he is inefficient.

I do not intend to deal with anything in detail to-day, but I want to deal with one or two broad subjects. The first one is tourism.

On the question of tourism I know there is a committee sitting, though I do not know whether they have done much work or not. But I think there are four aspects of tourism, or rather perhaps four matters which govern tourism in this country. One is national parks, and I am extremely disappointed to hear from the hon. Member for Agriculture that, acting apparently under the inspiration of the hon. Chief Native Commissioner, he has refused to take a strong line with regard to the proposed Tsavo-Sabaki National Park. My hon. friend the Member for Agriculture is a very intelligent man, and

I do not believe he could possibly, for one moment, really have any faith in the reason he gave for not strongly pursuing this matter. He said that he could not—and he got a "hear, hear" from my hon. friend, I am sorry to say, the Attorney General, whom I always regard as a very logical and fair-minded person. I noticed that he got a loud "Hear, hear" from my hon. African friends when he said he could not possibly consent to the alienation of any land in this country unless he was perfectly certain that it would never at any future time be demanded by the African population.

I do not know whether it is parliamentary or not to say so, but I thought it was one of the most stupid replies I have ever heard in this Council, because if that idea had prevailed in America you would never have had the Yellowstone Park because of a fear that the land might be used by some United States citizen at some future date, and you would never have had the Kruger Park in South Africa, and you would never have had the land over which the National Trust in England has jurisdiction. So, of course, if you are going to base your decision on that contingency, there would be no national parks and no national trusts in the world. I cannot be criticized for not being a friend of the African, but I am basing my argument in favour of national parks on this: that the African members of the African Settlement Board have said in the clearest terms that they do not need this land, and if they do not need it I can see no possible good that could come from a fleeting visit by the Chief Native Commissioner. He may go down by aeroplane or he may go down by motor car, but what he can hope to learn about the value of that land in 24 or 36 hours beats me. I hope that wiser counsels prevail in this country on a seils which means dollars. And so we must not relax our efforts on this side of Council.

With regard to fishing—another one of these dollar earning subjects—I notice in D.A.R. that there is capital provision for expenditure of twelve-and-a-half thousand pounds. That is for a hatchery at Sagana, I think, and for biological work; but I cannot find any provision for recurrent expenditure to pay, for instance, for the biologist's salary or for ordinary current expenditure in that connexion.

[Mr. Cooke]

Another subject is roads. We have been held up in the major road policy of this country, I understand, by lack of sufficient heavy machinery, but I do submit that we might go ahead with minor roads, because they open up to tourists some lovely parts of Kenya. I have in mind, for instance, the road from Thika to Njabinji on which the road engineer has already advised expenditure of £8,000. It only requires the strengthening of culverts and widening of the road in parts, and you will not only open up that area to tourists and to others who are fond of fishing, but you will open up a very valuable part of Kenya, and the traders of Fort Hall and Thika will be able to bring their produce by a much shorter route to Nakuru and Naivasha.

The fourth point is hotels. I notice in to-day's paper that His Excellency says we have got plenty of building material in this country. I am going to refer to that later on the question of housing, but what I do say is that what we want now is not large posh hotels in Nairobi and Mombasa—and it is very difficult, no doubt, to get fittings and so on for these hotels—but there is no reason why we should not encourage the small country hotels all over the country, where local material is available and where rich Americans, and others, whom we wish to attract, will find pleasant country, good shooting, good fishing, and all the rest of the amenities which they may want.

With regard to housing, nothing had done more to cause frustration among civil servants than lack of housing. I think myself that we cannot condemn Government strongly enough for their complete lack of policy. Two years ago we were told that the Mitchell economy house had been accepted as a standard—I am referring, of course, to Tom Mitchell and not to the Governor of the Colony! Whether these houses were big enough or not is another matter, but at least they gave a roof over people's heads, and I contend that, if we had gone straight ahead and begun building these houses two years ago, we would by now have had 150 or 200 Mitchell houses. I do not know whether the hon. member is shaking his head or not, but that, of course, is, I think, a matter of opinion. If these houses were to be built now, I learn on good authority that they would cost £300 or £400 more per house to build, and if

that is not bad economy I do not know what is. The Railway, I understand, were prepared to go ahead on a much larger scale with the building of houses, but for the difficulty in getting land in Nairobi which seems to have been put in their way.

The suggestion now is for posh houses, and I hope Government will adopt the same policy which has been adopted in Southern Rhodesia. I know what the hon. gentleman will say when he gets up, if indeed he replies at all, and that is that we were let down over the Holden houses. That is a very poor excuse. It is as if the great Field Marshal Montgomery refused to advance from Alamein because a few of his ships had been sunk by submarines. Of course, any person who is at the head of affairs should have alternative plans and be able to face these setbacks when they occur.

I was very glad to hear the hon. Member for Nairobi South, if I may say so, refer to the Cripps speech. I feel just as strongly as he does about it. If we in this country are going ahead we have got to reorientate the whole of our labour policy, and make no mistake at all about that; otherwise we must say quite frankly and freely that we cannot help England in this time of her need. The Scriptures say somewhere that "if any would not work, neither shall he eat". We were told by no less an authority than His Excellency the Governor that all must work. Well, I conclude that he meant the idle rich European as well as the idle poor African, and I think the time has come now to implement those words. As I have said before, nothing but harm is done by threats unless they are put into effect.

My hon. friend said he did not blame the African, and I join with him and say it too. I do not blame the African, taking a wide view; nor do I blame the settlers of this country on this particular issue. (Laughter.) Nor do I blame the Labour Department, but I emphatically do accuse the Administration from the top to the bottom for being largely responsible for the present chaotic state of affairs. The state of affairs is this—and I defy the hon. Chief Native Commissioner to contradict what I am going to say; I know he will (Laughter)—that the African has lost all faith in the bona fides of the administration of this country. My hon. friend may say, what is my proof for that. My proof is his own annual report, for there he says

[Mr. Cooke]

that the African regards with suspicion nearly everything he is told by administrative officers. Capt. Clive, who has now retired from organizing cooperative societies, says exactly the same thing in his annual report, and wherever you go you find the same. My hon. friend the Chief Native Commissioner, who was very well known in the Kikuyu country—and I reminded him of this before—when he explained to the Kikuyu the advantage of the Karatina factory, even coming from him with all his prestige among the Kikuyu in Nyeri and in the Central Province, they refused to believe what he said because they said Government were up to some of their tricks and that as soon as they started a vegetable factory they would seize the land and settle Europeans on it!

That is a most deplorable state of affairs, and unless you can re-establish in the African of this country a belief in the bona fides of the Government, then, Sir, there can be very little progress. There have been many exhortations, but the threats have not been fulfilled. We had the speech at Machakos, but no balloons went up, no bowler hats showered down! (Laughter.) We had speeches to the Luo, and we had speeches to the Kikuyu, and we had speeches to the Nandi and half a dozen other tribes—threats were made and nothing happened; and we had a broadcast from London the other day, and yet the country is seething with agitation, if you would like to call them that. If I may again quote Burke in a symptom I would say that "agitation is a symptom and not a cause of unrest", and the reason you have so much unrest among the Africans in this country is because the Administration have lost all grip of the reserves. There are many reasons for that, but I am not going into them at the moment. There is no implied or suggested criticism that any individual junior administrative officer is not doing his best, but it is a definite criticism of those in highest authority who are administering this country at the moment.

I know the Labour Commissioner and the hon. Acting Labour Commissioner are both extremely anxious about it and are giving a great deal of thought to the present situation, and I should like to ask my hon. friend when he gets up if he would answer these three questions,

because they need answering. The first is: Why is labour not coming out in Kenya at the present moment? The next is: When out, why do labourers not stay out for longer periods and why do they not do a better job of work? And the third is: What is Government going to do about it? The third question is, I know, a bit of a poser, but for goodness sake, if you do not propose to do anything, start talking about it! (Laughter.)

There is one criticism to make which I am afraid, going to affect two very good friends of mine. When D.A.R.A. first started I—may heaven forgive me!—described the two members, my hon. friend the Member for Nairobi South and my hon. friend the General Manager of the Railways, as "go-getters." Well, they have got nothing, and they have not gone very far, and what I want to know is: What is the position regarding D.A.R.A.? There are criticisms all over the country about it. Money seems to be going down the drain, very little is seen of Sir Gilbert Rennie a year or two ago went home and was understood to be bringing out or arranging to have sent out £600,000 worth of machinery. Apparently it has not arrived, and the quarterly report for the period ending 30th September, 1947, says that deliveries of plant, continue to be disappointing. Whenever we say "Why don't you get on with the work" one moment they tell us there is no plant and the next moment that there are no people to operate the plant, but in this statement we are told that 17 new officers have joined the service. I should like to have an assurance that those 17 officers are being profitably engaged in the business of this Authority, because a tremendous amount of money is involved, and this reinforces what I said about minor roads.

If the plant is not here for the major roads, get on with the minor ones. The whole position is entirely unsatisfactory. Take the Escarpment Road to Kabete and to Dagoretti. We were first promised that it would be ready in June last, and we cannot, and now it looks as if we cannot have it for another 12 or 18 months. Meanwhile, unfortunate users of the A and D routes are fast striking their cars and pieces and breaking springs and doing to other damage. My hon. friend says he puts it at 3d. per mile, and these people have to bear this tremendous extra cost

(Mr. Cooke)

because somebody is too negligent to see that the penalty clauses in the contracts are carried out. That at any rate seems to be one of the reasons. For goodness sake, let us get on with these jobs or get out.

I have got very little more to say, except that I would like to support what has been said in the newspapers about a Member for Commerce. To my mind, it is absolutely essential that commerce and agriculture should go hand in hand. At the moment, agriculture is having all the hand (A Member: Shame!), and there is not the liaison between the two that there should be. I am not for one moment saying that agriculture should not be represented here, and I am very much in favour of giving higher prices to agriculture, although I agree it should be subsidized, as I have said for the last 10 years, but you must give commerce a chance to express its view. It is too much to ask the hon. Financial Secretary, because he is already severely over-worked himself, to deal with commercial questions, and it would certainly lead to great inefficiency if we had a proper Member for Commerce. To mention only one aspect—he could be the co-ordinating officer for all controls, which do not seem to be properly co-ordinated and I agree with a good many people in this country that we could get rid of one or two at the moment. I know others cannot be dispensed with.

I am an optimist as far as Kenya is concerned, and I deplore a great deal of the pessimism expressed to-day. People talk about a depression coming along in Kenya. The best way to get the depression is to talk about it! I know that if England goes down the drain all the rest of the colonies will. But the fact is that England at the present moment is in a transitory position, but it does not necessarily mean that we are going to suffer from that temporary depression in England. It will probably have the opposite effect. If anyone has read the latest *London Illustrated News*, 4th October, they will have seen an illuminating article by Arthur Bryant, who quotes a man writing on England in 1840, which is 100 years ago. This was one Bamford, who wrote a book which might have been written to-day. He said

that the end of England was at hand because it could not compete in commerce with the United States or do this, that and the other. It might as well pack up. That book was followed by one of the greatest periods in English history, the Victorian era. I feel myself that England is going through a temporary phase, but whether or not it is a temporary does not affect my argument. There is no question of the truth of "Who lives if England dies". But while the position is as it is, and England is prepared to encourage this country to produce and Denmark, for instance, is sending an agricultural attaché to this country, it shows that things will go ahead if we only have the courage and the faith. What we really want is more courage and more faith in the future of this country, and let us take risks, because if England goes under we go under in any case. If she does not go under, we shall have put our house in order meantime.

With these words I support the motion.

Mr. Nicoll (Mombasa): Mr. President, this is the tenth budget debate which I have participated in, and I hope it is going to be the last! In 1938 we were dealing then with a budget of somewhere around three million pounds, to-day we are dealing with a budget of the order of seven millions and, as the colony develops, so will there be an annual increase in the various budgets. In fact, one might say, that little budgets are like little pregnancies, they keep on growing!

The hon. Member for Nairobi South made a point which I would like to emphasize, and that is that it must not be recurrent expenditure which governs taxation—taxation must be based on the question of ability to pay, and I feel that the Plewman Committee was perfectly right when they said that until a project had been brought to the revenue-earning stage the interim recurrent expenditure should be a capital charge.

The hon. Financial Secretary complimented me in his speech on my prophecy that for this particular year his estimate of customs revenue would be exceeded. Well, this year I make no prophecy at all with regard to customs revenue, because

(Mr. Nicoll)

I think it is entirely impossible to come to any accurate conclusions with conditions as they are to-day. (A Member: You have lost your nerve!) Not at all. You one does not know the effects of import control, the position in the United Kingdom, the supply position, and the position in regard to hard currency countries.

In regard to the subject of income tax, the hon. Deputy Chief Secretary, speaking in the Plewman debate, said—he wanted an expression of opinion from the people on this side as to whether or not they felt that taxation should not be lowered. I should like to congratulate the hon. Chief Native Commissioner who spoke first and the Deputy Chief Secretary on the courage and undoubted honesty of purpose in their speeches. That I disagree with them on their arguments does not matter, but I do disagree with them on all these points. That is, if you muddle up ideology with economics you will get completely bogged down, and the Plewman Report was written undoubtedly by economists basing the whole of their arguments on economic factors. At a meeting I held the other day in Mombasa, I specifically asked my constituents whether or not they shared the views of the hon. Deputy Chief Secretary and Chief Native Commissioner, and they certainly did not. There were, in fact, I think only four people who seemed to share the views expressed. I do sincerely put across to them that the people in the lower income groups are feeling the pinch, and very definitely, particularly in the towns, not in Mombasa alone. I discussed this with several civil servants there, and there is no doubt about it that they are having a very difficult time indeed.

And having a difficult time also because they lack housing. The housing situation, particularly of civil servants in Mombasa, is absolutely disgraceful. There is not enough of it, and you get young fellows living in any manner of means, and the housing allowance they get towards the cost of living in hotels is completely inadequate. I must say that, from what I heard in Mombasa the other day, it is very alarming, because there is no doubt that people are getting

into debt, which is a very, very bad thing for anybody, but especially for people in the public service if they get into debt because Government do not provide proper facilities.

I want to say a word about education, particularly on the subject of bursaries. A short time ago, I forget when, I was acting for Lord Francis Scott on the European Bursary Committee. I was horrified at the meagreness of the allotment of funds for overseas bursaries and the very large number of applicants for those bursaries. I consider that that Bursary Committee is one of the most difficult to serve on. There are certain people you can eliminate from the applications, on financial grounds perhaps, and undesirability, but then you come down to the short list and that you have to decide. There is X money plus 10 people all deserving of bursaries, and you have to go through those applicants very carefully to see that you award the bursary to the best applicant. In doing that you turn down somebody and have a feeling that you are ruining the life chance of an individual in this life because there is not the money to be able to give him the additional assistance in the way of education.

I suggested, and I want to bring it out now, at that time—and I hope consideration will be given to it in the consideration of the estimates—that there should be set aside out of surplus balances say £50,000 or £60,000 and a fund created, and contributions to that fund from revenue at the existing rate or higher in good years, and thereby gradually step up your quota of numbers of people to whom bursaries can be awarded. This is a growing country, and the population is growing, and as we have not got a university in East Africa—I have no doubt that in time, in 25 or 50 years' time, we shall have one—the people who want to follow professions—doctors, lawyers, engineers—have to take degrees, and they have to go overseas to the United Kingdom or South Africa, and I do think it would be the height of folly not to take the opportunity of creating a bursary fund, which will be a very good standby in years of depression, and, in my view, it cannot fail to be a first-class investment.

[Mr. Nicol]

On the subject of the Medical Department, the hon. Member for Nairobi South voiced certain very real complaints. I would remind the hon. Member for Health that I went and saw him a little time ago and told him of the considerable dissatisfaction in Mombasa, to which, if I remember correctly, he expressed surprise, and said he had never heard of any. I suggest that he goes there now, because the dissatisfaction is colossal. What has Mombasa had out of this Hospital Authority? Pretty well nothing. It is almost impossible to get people into the hospital there nowadays, so much so that I am handing to the Clerk of Council before we adjourn for lunch a motion which I shall move here.

The hon. Member for Nairobi South referred to the shortage of staff and the necessity of the staff making notes of the various medicines, bandages, etc., used in the hospitals. The hon. Member for Health shook his head. I take it he indicated that that was not what had to be done. Well, this is a letter which is signed by the hon. member himself as chairman of the Hospital Authority and dated 24th October this year. It says: *Inter alia*—no, I will read the whole letter: "As you are aware, drugs and dressings used in public hospitals under the aegis of the European Hospital Authority are to be charged for as from 1st November, 1947. This entails a record being kept, on all patients' bed head tickets of drugs, dressings, etc., used and the attention of all medical practitioners, official and otherwise, should be drawn to this requirement".

Well, we will talk about that a little bit more in the debate which I am asking for on this question of the Hospital Authority. But I want to say this, that the hospital conditions in Mombasa are bad; the hospital is overcrowded, you cannot get people in, the doctors are fed up, and the people of Mombasa are fed up, and we do not consider we have had anything like our value for money in that area.

Coming back to the question of housing for one moment. Why should we wait to have a lot of permanent houses? Why put up even the Mitchell type? Why not go for pre-fabs as in England? We could do it in Nairobi and other

townships, and in Mombasa, and I do think it is about time somebody really went into that matter.

Another point I want to touch on is the question of the post of Economic and Commercial Adviser. The hon. member seems to have an enormous amount of work slung at him which I think should perhaps be performed by some other member of Government, so that the Economic and Commercial Adviser could get on with his job of advising on economics. But, apart from that, I want to refer to the resolution which was passed by the Nairobi Chamber of Commerce the other day on the subject of a Member for Commerce in this Council and with a seat on His Excellency's Executive Council. I have advocated it before in this Council, and would like to again, particularly since in Paper 210 all commercial legislation has been taken out of that sphere, taken out of the purview of the Central Assembly. In Paper 191 commercial legislation was to have been the job of the Central Assembly, but in 210 it was withdrawn. Naturally, I still hold the view that commercial legislation should be on an East African basis. If under 210, which starts to operate in about two months' time, there is not centralized commercial legislation, let us go ahead here and have a Member for Commerce with a seat in this Council and also on Executive Council, in order to co-ordinate commercial matters. It is absolute rubbish at the present moment the way commercial matters are being handled. General commerce appears to come under the wing of either or both the Financial Secretary and Deputy Chief Secretary, trading in municipalities comes under the Member for Health, and trading in the reserves under the Chief Native Commissioner, and there is no link up between them at all. It seems absolute rubbish.

Another thing. A considerable amount of annoyance—and, indeed, more than annoyance—is felt particularly among the commercial community, and that is the retention by Government under the Defence Regulations of buildings which should have been returned to their owners, and the Public Works Department and people like that should have to make alternative accommodation for the

[Mr. Nicol]

various Government departments; they should have been returned to their original owners who require these premises for the conduct of their business. Government by retaining these commercial premises are definitely putting a spanner in the works of firms. It is entirely wrong that Government should continue working under these emergency regulations, and saying: "We will let you have them back in three months' time", and that it is another three months with nothing happening. We are getting pretty well fed up with that, and I want some assurance from the other side that commercial firms are going to have their premises restored to them.

The hon. Member for the Coast wanted to know if the Tourist Committee is doing any work. I am a member of that committee, and can assure him that we are doing a lot of work. But we have felt, the majority of us, have felt a considerable amount of obstruction in the past. We have taken courage at the initiative shown by His Excellency the Governor in inviting the next tourist conference to be held in Nairobi; that does seem to indicate that Government really are beginning to do a little bit more than just toy with the tourist traffic. I agree with the hon. Member for the Coast that tourist traffic is a most important matter in the economy of this country and, in regard to the plea he put forward regarding the Tsavo National Park, I should like to add mine to that as well. Quite frankly, I am getting thoroughly fed up with the way we are being pushed off by not declaring it a national park. About a fortnight ago I was informed by an individual whose word I do not doubt that an administrative officer had stated that there is not a hope of Tsavo ever being handed over to the national park trustees for at least two years, because Government was determined to hang on to it as long as they could. I would like the hon. Chief Native Commissioner to say a few words on that point, because if that is Government's policy, and if that is an instruction to administrative officers, the national park trustees are being led up the garden path.

I seem to have been able to conclude before even the first gong has sounded.

I recollect that 10 years ago my first budget speech took three years—I mean three hours! (Laughter.)

MR. MATHIU (African Interests): Mr. President, I rise to support the motion before Council, and to associate myself with the hon. Member for Nairobi South in congratulating the hon. mover on a very able and comprehensive speech.

In view of this half-hour restriction I am going to confine myself to very general remarks on certain items in the draft estimates.

On the question of revenue, I should like to refer to the question of African poll tax and what the hon. mover said on the subject. Among other things, he did say: "I submit that the Government has treated the African population of this colony in regard to direct taxation with a degree of moderation which can only be characterized as remarkable". I think that Government could not have done otherwise in regard to African taxation, because they must be well aware that most of the African peasants are extremely poor and they cannot stand any further taxation, which is a point I made in the Plewman debate and I do not want to repeat it again, but I should like to say that it is not moderation in the sense that they know the Africans could pay more. It is because they knew that the Africans could not pay more, and that is why they have retained the rates of African taxation for next year.

He also said that the purchasing power of the country might be pumped up in view of the possible establishment of a big military base in this country, by the establishment of the ground nut scheme in Tanganyika, and by what is visualized for this country on the Tsavo River, and so on. All these things will bring in a lot of prosperity to the country. When that time comes—and we know for certain that the African individually is receiving a lot of money from all these projects—then we can consider whether the African can pay more. There is one thing I should like to repeat here, because it has been referred to by one or two previous speakers, and that is that taxation among the Africans, or any other community for that matter,

(Ma-Mathu) should be closely connected with ability to pay. Every person should pay what is due to the Government, and it is up to the Government and all of us to see that all taxes are properly collected.

To come to the question of expenditure, under the head Administration, there is a scheme proposed in regard to financial relationship between the central and the local government on the African side, and I should like to make two points. In regard to the question of primary education being wholly put on the shoulders of African local authorities, I am perfectly certain that it is such a heavy burden that, instead of the Sh. 2 poll tax that has been proposed, we are going to see a retrogressive step in the progress of African education. I am going to say a few words on that when I come to the head of education.

The hon. Member for the Coast dwelt for a long time on the question of the Administration and the relationship between the Africans and the Administration of this country. I should like to say that the African community in this country have behaved magnificently, not only during the war years but throughout, because the history of the relationship of the British with other colonial powers in Africa and elsewhere does show that in other territories the African population, or any population for that matter under foreign rule, behaved in a way that we have no record of in this country. Most of the disturbances you read about in other parts of Africa and in other parts of Asia have never existed in this country. I do not suggest that everything is lovely in the garden even in this country, but comparatively speaking, I say the African has behaved magnificently towards his rulers in this country. There have been a few disturbances here and there, but of a very minor nature in comparison with the big upheavals we read about in parts of Asia and elsewhere.

The hon. Member for the Coast is right when he said that the African's confidence in the Administration and in the Government generally has been shaken, but there are reasons for that, very cogent reasons too, because, as I have mentioned on another occasion in this Council, it is extremely important

that the approach to the African and to African problems should definitely be humane. Anything in the way of threats that the hon. Member for the Coast referred to, or anything in the nature of brutal treatment of any type, does not, I submit, arouse respect from the African towards the Administration. They are human beings, and nothing short of humane treatment will produce what we want from the African either from the administrative aspect or from the aspect of labour. Nothing short of humane treatment will produce anything that we want from the African people.

There have been disturbances recently in Uplands and Fort Hall, and the African people really feel that, instead of the Government complaining of the suspicion that the African has towards the Government or anything that the European does, the Government is unjustifiably suspicious—unjustifiably suspicious—of everything that the African is doing, and it is for that reason that we have these shootings in the country, and I think it is due to lack of knowing exactly what is happening. It is important that the Administration and the Government should study the mentality of these people, because unless they know the minds and the language of the people, even the customs of the people, they cannot really handle these people properly, or I submit to you that no shooting, or anything of that nature, will produce harmonious relationships between the African people and the Government.

I am certain that what we want is a human approach to these people. Deal with them as human beings. You can shoot them, there is nothing to prevent you from doing so; you can bomb them, there is nothing to prevent you from doing it because they are unarmed, helpless little fellows with nothing to shoot you with. You have all the power to do that, but I submit that it is not going to produce any harmonious relationship between the African people and the Government, or between the European and the African people of this country. I am surprised to read some of the speeches made by certain people in this country against the African people. The British have not got a better friend in the world to-day than the poor African. The British are having difficult times in

[Mr. Mathu] Egypt and they have to move out; they have already had to move from India; they may have to move from Palestine. What nation is a better friend of the British people than the African to-day? I submit that I do not know of one; and it is for that reason that I would have hoped that the Administration of this country would do their utmost to create a helpful and friendly relationship with the Africans.

As regards the suggestion of making a military base in this country, we can only go on what we read in the Press; we have not got the facts and we have no statement from the Government as to what is going to happen. The establishment of a military base in this country is a big thing, it will require assistance and co-operation from every African in this country, and unless we know that we can get the confidence of these people, what are we going to do? We cannot get Europeans from Europe to come and work here; we have to utilise the man power we have in this country; for civil employment as well as for military, and it is for that reason I suggest that we must at all costs create very kindly relationships with these people in all this country, and all the suspicions and all the shootings and that kind of thing ought to disappear.

One more point in regard to the Administration. Another reason which makes things difficult in the African area is that the district commissioners and district officers are already overworked. They have too much to do. They have to see that everything that is connected with the district has to be done, and it is high time we endeavoured to separate the executive from the judicial functions, so that district commissioners may become executive officers *in toto*, and all the judicial functions should be done by experts, like any other country. In that way the district commissioners will have more time to see the people, meet the people and know exactly what their feelings are, and so on. At the moment most of a district commissioner's time is occupied by court-work. In most big areas, like the Kikuyu—who are most unpopular in this country; in fact, it is uncertain whether the British want the Kikuyu to exist or not, but they are there and you cannot

move them, you cannot shoot them completely—the District Commissioners should be relieved of court work, so that they can deal with work connected with the executive side of the administration. I think that would improve a lot of things.

To come to the question of education. We all know, and we agree with the hon. mover, that recurrent expenditure and expenditure generally on the education and medical votes is going up. I do not see how you can call a halt in expenditure on education, because everything we want done—the labour question which I will deal with just now, the artisans we want (and the hon. mover did say that artisans are scarce), and all the activities by Government or by civil firms—cannot be done properly unless we have educated Africans, and it is for that reason that I have been dissatisfied with the recommendations of the Development Committee in regard to African education. Even these plans have been referred to the Advisory Council on African Education, and have been re-drafted and re-presented, and I cannot see any signs of them coming to finality; and the progress of the African people in education is being held up.

I have already referred to the hon. mover's statement that artisans are scarce. We have to produce them. I do not think we can rely entirely on outside sources. We want to produce the men and in large numbers. The N.I.T.D. caters for a few hundred Africans, but we do not want a few hundreds in this country. We want thousands of technical men, and I should like that technical school of the N.I.T.D. not increased two-fold or three-fold, but increased ten times, so that you can produce large numbers of artisans to help in the development of the country. If we stick to small schemes of 20 or 100 we will stay for years here without producing the number of artisans we would like. I suggest that Government should consider most seriously increasing the financial provision required for expanding African education generally; but particularly at this time with regard to technical education, so that we can have the number of artisans we require.

One further point I should like to refer to. There was a scheme, I think in

[Mr. Mathu]

1942 or 1943, for training African women teachers, and it was suggested that there should be three provincial training centres—one in the Central Province, at Embu, another at Vihiga, and another at the coast. I learn that the Government is holding the one at the coast in abeyance and that they are proceeding with the two other institutions, one at Embu and the other at Vihiga. I submit that Government has been extremely slow, and I should like very much to suggest that steps should be taken immediately. There is no question of money not being available, because the money is coming from the Colonial Development and Welfare Vote. These institutions should be established quickly. Lack of materials may be an excuse. I say an excuse, because hundreds of buildings have gone up since 1943 and I cannot see any reason why the girls cannot have their training centres established in these two places—the Lake and Central Provinces.

Also, there has been a suggestion that there should be a senior secondary school for African girls, as the Alliance High School cannot continue to cater for girls as from next year. I know something is being done, but there again I suggest we are going too slow. Land has been provided and it is a question of getting the machinery moving, and I should like a reply from the hon. Director of Education as to whether something definitely is happening, as after next year most of the girls who come from primary schools will be left in the air.

I have already mentioned that Government's proposed scheme for financing the services by local native councils is welcomed, and I only want to emphasize the fact that the provision of primary education by local native councils is going to be a terribly heavy burden, and I think that the question should be examined.

I should like to welcome the suggestion that there should be a grant to Makerere of £12,000. I do not think that, when we need so much man power to do the work in this country in Government departments, and elsewhere, we can afford not to help finance Makerere.

Next the question of labour, I have said this before, but I do not think there is any harm in repeating it. The Africans, and definitely myself included, would not agree that there should be any leisureed class—leisureed class meaning people who eat, drink and sleep and do no work. (Applause.) It is absolutely essential that every human being in this country must do a good piece of work. I have just been on a tour of most of the Central Province, Kamania and the Elgeyo Districts, and I have stressed this point most particularly, that any person who leans against a wall, or sits in an eating house, or lies down and sleeps, should not exist. He cannot expect, and I have told the African women that any of their men who do that should go without food, because I do not see that they should have anything at all if they do not work in the garden or elsewhere. I agree with the dictum that has been accepted by this Government that all must work, and it is definitely our intention, with my hon. colleague, to do all we can to bring home to our own community that work is absolutely essential, and to say that, if you like to use the Latin expression which was very popular during the Roman days, *Laborare est Orare*—to labour is to pray—and that they cannot expect anything without work.

But there is a difference, I may be getting a wrong impression from certain statements about labour in this country, but if I labour means to go and become a wage-earner, that is a different matter, because those who want to go and earn wages can do so. Those who want to work on their own, to improve their own farms and gardens, to improve their own trading facilities and so on, should also be included under this definition that all must work. The people who are not earning, the people who work on their own farms and in their own businesses in the native areas, are working for the increase of the income of this country, and that I should like to stress is a very important point. When I was in England last year I met a very important board in London, and they said that one of the reasons the African did not go out to work was shortage of consumer goods. But that is only part of the answer. The main

[Mr. Mathu] answer is that the conditions of employment in this country are so poor that they only attract those who have no other means of earning a livelihood. An other means of earning a livelihood. An other means of earning a livelihood. An average wage of Sh. 10 a month does not attract a large number of people to go out to work, when they can get that Sh. 10 in some other way, honestly, by working on their own gardens, and even if Government recruits and directs labour—a very questionable procedure in present circumstances in Kenya, if I may say so—I do not think you will achieve exactly what you want. What we do want is that the people of this country should be treated, as I say, as human beings, and remuneration should be given appropriately.

My final point is the medical vote. I submit that as in education we cannot possibly cut down on this vote. Actually, what we want is more hospitals, for I have seen in quite a number of them three patients in one bed, three or four on the floor, because there are not sufficient beds, and under these conditions we cannot afford to cut down on the vote. One specific point is the grant in aid to African mission hospitals which are partly financed by Government. We have this year the sum of £723 increase in the estimates; that is for 1947. These mission hospitals are in a difficult position financially, and as they are doing a service which otherwise Government would have to do they are asking Government to consider this matter most seriously. I support their claim that there should be provision in the budget of £4,000, otherwise some of these hospitals will have to close down. The mission hospitals charge fees, but in the event of Government helping them financially in the way they suggest it may be possible for the mission authorities to consider reducing at any rate some of their fees.

I have said my final point. In closing, I should like to say that Government can take it that the African will co-operate in making this country worthy of them, and in doing so I appeal to members of this Council from the African side that all attempts should be made to consider these people as human beings and treat them accordingly.

I beg to support.

MR. COCKER (Central Area): Mr. President, most heartily do I compliment the hon. Financial Secretary on the masterly exposition of his subject which I had the honour to listen to when he introduced the budget for next year in this Council earlier this month. The long overdue promise of income tax relief has at last been given, and though on paper the spring glitter of the anticipated relief seems to lull the victims into a contented and satisfied snore, full of delightful dreams of immediate succour we still have to hope that in its practical effect, the much boosted approach of this spring glitter does not turn out to be the dull, dreary, momentary twilight of the late autumn in the Tundra.

The hon. Financial Secretary seems to have made a reluctant acceptance of the fact that the staff of the Secretariat is being overworked and that consequently a small expansion of staff has been introduced there. To this seemingly reluctant admission I would say "better late than never". But I beg to disagree with the expression "small expansion of staff". If the hon. member is aware of the greatly increased amount of work which the poor Secretariat has to cope with and the shortage of staff, it is quite obvious that the deficiency has got to be made up. As a matter of fact, there is a shortage of staff in almost every Government department, and there are obvious signs of the existing staff being overworked.

There can only be two reasons for this state of affairs—either that the requisite staff is not available, or that it is considered a cheap means of showing a favourable balance in the estimates at the end of the year. Both reasons are false in matter and spirit. I hope that a suitable expansion of staff will be introduced into other Government departments, too, where it has become necessary.

It is universal public knowledge in Kenya that the Asian Civil Service staff is dissatisfied with the terms and conditions of the service generally. That includes not only the low scale of salaries, but also the complete neglect on the part of Government towards the creation of a few senior gazetted posts for Asians in various departments. The

[Mr. Cocker]

majority of Indian ladies and those Indian males who are not literate in English. As soon as hostilities ceased, for reasons never understood by us, Government's first step towards keeping these people ignorant of the news was to strangle into lifelessness this once lively source of true information. I emphasize the words true information. I ask the Government to point out a single medium of true information which can familiarize these people with the news of happenings in India, Europe, America, and the Empire, and thus enable them to do their bit intelligently, after appreciating fully the true circumstances.

I have been asked by a number of my constituents to press for the speedy restitution and revival of this important source of information, particularly for illiterate or uneducated persons. I congratulate Cable and Wireless on the attention paid towards Indian entertainment and the improvements made in it. I am sure the poor reception which is being experienced by the Indian public at present will not be long lasting as the conditions change. But to the Government I must say that entertainment is different from information, and that the latter can be supplied only by the Information Office in an entertaining manner. If an approach was made to the other East African Governments even the Nyasaland Government, I am certain that they would all contribute financially towards the establishment of an up to date Indian section of the Kenya Information Office in Nairobi.

Turning now to the Transport Licensing Board, I am informed that there is no set policy which the board follows, and that members of the board, including the regular staff, have lost touch with the reasons for which the board was formed and the obligations that it owes to the public in regard to their treatment of them. I have been approached by a number of people with complaints against the arbitrary proceedings and attitude adopted by the board when granting licences. If the board is unable to follow a set policy, then I respectfully suggest that, for the safety of public money, it should be closed. No one seems to have any idea of what the policy is which the board follows and

what are the basic principles on which licences are granted or not granted.

Before concluding, I should like to record my appreciation of the fact that the prison authorities have given very sympathetic consideration to the representations made on behalf of Indian prisoners in regard to certain grievances, and I am glad to have to say that the redress of these genuine grievances has been promised, and I hope that action will not be long delayed. I hope that the lot of those who have the misfortune to spend some part of their life in His Majesty's prisons will be made easier by the Government putting up new prisons.

I beg to support the motion.

The debate was adjourned.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned till 9 a.m. on Tuesday, 25th November, 1947.

Tuesday, 25th November, 1947

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 25th November, 1947.

The President (Hon. W. K. Horne) took the chair at 9 a.m.

The President opened the Council with prayer.

MINUTES

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

PAPERS LAID

The following paper was laid on the table:—

By Mr. TROUGHTON:

Report of committee appointed by him to inquire into the matter of the financing of African medical services.

ORAL ANSWERS TO QUESTIONS

No. 77—AFRICAN TRADITIONAL OATHS

Mr. MATHU:

Is Government aware of the great dissatisfaction among Africans in the Central Province in their being dissuaded and prevented to take their traditional oaths such as *thenge* and *muna* in native tribunals courts? Will Government state unequivocally their policy in regard to these African traditional oaths which play such an important part in the administration of justice?

CHIEF NATIVE COMMISSIONER (Mr. Wyn Harris): Government is aware of great dissatisfaction among unsuccessful litigants who have not been permitted by Tribunals to use their traditional oaths as a substitute for acceptable evidence.

With regard to the second part of the question, it is the policy of the Government that in cases before Native Tribunals, the decision should be based on the weight of evidence and not on trial by oath, which in effect is trial by ordeal. Bearing this fundamental principle in mind it is at the discretion of the Native Tribunals to refuse to allow trial by oath if factual evidence is available; a refusal is not in itself grounds for appeal.

The Government is satisfied that where it is impossible to obtain satisfactory evidence and there are no traditional prohibitions, the administration of the oath is seldom refused by the Native Tribunals. It is, however, one of the questions which will be investigated by the Judicial Adviser on his taking up his duties.

No. 88—RENT CONTROL ORDINANCE

Mr. PAITAM:

Having regard to the fact that the Rent Control Ordinance was enacted to tide over an emergency created by war and as such is ill-suited to present day conditions, will Government please make such amendments in the Ordinance as would make it effective to suppress the illegal payment of premium which the landlords generally demand in addition to exorbitant rent which is generally Sh. 100 per room per month of 14 ft by 12 ft. and one year's rent to be paid in advance.

Mr. TROUGHTON: I would refer the hon. member to the reply that has already been given to Question No. 83. The question of illegal payment of premium will be referred to the appropriate authority for consideration.

I would add that Government does not admit the accuracy of the preamble to the question.

No. 90—HOUSE REPAIRS AND MAINTENANCE COSTS

Mr. PAITAM:

Is Government aware that there is a good deal of difference between 1939 and 1947 costs of repair and maintenance, of houses and, if so, will Government please determine such difference and allow the landlords to recover such difference from tenants in the shape of increased monthly rent?

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

As regards the second part of the question, the matter is being referred to the appropriate authority for consideration. I may say, however, that the policy of the Government is to keep rents as low as possible.

NO. 95—TRADERS' PLOTS

MR. PRITAM:

Having regard to the smallness of size and consequent hardship to which traders are put, will Government please consider the desirability of fixing the size of business-cum-residence plots not less than 100 ft. by 150 ft. in wayside townships and trading centres situated in native reserves and settled areas?

MR. THORNLEY: The size of business-cum-residence plots in townships and trading centres was fixed at 50 ft. by 100 ft. for the reason that plots of this size provide for an adequate shop frontage in a well balanced layout and allow sufficient space for the erection of a moderate size building of good type with adequate curtilage. Experience has shown that plots of this size are suitable for proper development for business purposes with living accommodation, and it is considered that if the frontage of such were increased to 100 ft., this would tend to encourage disorderly building development with consequent dangers to public health besides being uneconomical in land usage. The Government does not, therefore, consider it advisable to alter the existing practice whereby the standard size of business-cum-residential plots is fixed at 50 ft. by 100 ft.

SCHEDULES OF ADDITIONAL PROVISION

COST OF LIVING REVIEW

MR. TROUGHTON: Mr. President, I beg to move: That the Standing Finance Committee report on Schedules of Additional Provision Nos. 5 of 1945, 5 of 1946, 1 and 2 of 1947, be adopted.

The Schedules of Additional Provision dealt with in this report include certain provisions regarding personal emoluments, and I should like to take the opportunity to say that the Director of Statistics has recently carried out, at the request of Government, a careful review of the whole basis on which the cost of living statistics are founded. As a result of that review, it is clear that there has been a rise of well over 10 points in the cost of living index.

Hon. members will be aware that the cost of living allowances vary automatically, up or down, with every material rise in the cost of living index.

As a result of these investigations, the necessary revision is in process of taking place. We have not yet been able to discover the actual cost of this revision, but we have been into the matter during the week end and the indications are that the additional cost on the colony's estimates of this revision of the cost of living allowances will be somewhere between £120,000 and £150,000. In fact, it will have a most serious effect on the expenditure side of the 1948 draft estimates.

I may say that, despite this revision, it is quite clear that the salaries of civil servants, including cost of living allowances where applicable, are still in need of revision, and the Civil Service Association has made strong representations to the Secretary of State on the subject, so there can be no question that this addition to the cost of living allowances is the last we shall hear about salary revision. But in view of the magnitude of the effect of this particular change on the 1948 draft estimates, I felt I should draw the attention of this Council to it at once, and this motion, which is otherwise formal, gives me the opportunity of doing so.

MR. RANKINE seconded.

The question was put and carried.

PYRETHRUM BOARD OF KENYA

OVERDRAFT APPROVED

MR. TROUGHTON: Mr. President, I beg to move: Be it resolved, that a sum not exceeding £100,000 be made available from the general revenue and other funds of the Colony to guarantee an overdraft to the Pyrethrum Board of Kenya with Barclay's Bank (D.C. & O.I. Ltd.) for a period of 12 months.

This resolution arises quite simply. A contract was made with the Board of Trade to cover the purchase of pyrethrum for the period 1943 to 1947. It was the practice of the Pyrethrum Board to make advances to growers on the delivery of their crops, the whole thing being finished off at the end of the financial year. In order to cover these advances, money was provided by the bank against definite forward sales of specific quantities of pyrethrum. The Pyrethrum Board, as a result of a chain of circumstances I need not go into now,

[Mr. Troughton]

have given an undertaking that they will not sell new stocks of pyrethrum until the British Government has disposed of a fair and reasonable proportion of the surplus stocks at present held by the Board of Trade. For that reason the Pyrethrum Board is not in a position to offer to the bank any security in return for money with which to pay growers as from the beginning of 1948.

It is therefore proposed that we, as a Government, should guarantee a bank overdraft to a maximum of £100,000 to enable advances to be made to growers on a basis to be approved by myself, and it will be conservative. What is the real security for this guarantee? There is no doubt that market prospects in the near future are fairly sound, and, what is more important, pyrethrum is a main dollar earning crop, which deserves, and must receive, full support from Government. That the prospects are good I think is shown by the fact that one firm is spending a lot of money on building up a pyrethrum sales organization, and we have a privately owned pyrethrum extract plant in Nairobi which I understand is doubling its capacity. No effective substitute for pyrethrum has yet been placed on the market, and investigations have shown that claims to the contrary have very little solid foundation.

This proposal has the support in principle of the Standing Finance Committee, and the full support of Government, not only because of the importance of pyrethrum to our economy in this country but because of its importance as a dollar earner.

MR. FOSTER STUTON seconded.

The question was put and carried.

KENYA AND UGANDA RAILWAYS AND HARBOURS

CAPITAL EXPENDITURE LOAN

GENERAL MANAGER, K.U.R. & H. (Sir R. E. Robins): Mr. President, I beg to move: That this Council approves the inclusion in the schedule of a future Loan Ordinance of a sum of £1,891,673 to cover the estimated cost of capital expenditure in respect of Railways and Harbours general improvements and rolling stock in accordance with the Kenya and Uganda Railways and Harbours

approved regulations governing the allocation of expenditure, together with such further sum as may be necessary to cover the relative expenses of issue and discount.

The greater part of this sum, amounting to £1,276,000, is in respect of rolling stock, and I feel sure that every member of this Council—and probably every member of the public—fully realizes the absolute necessity of increasing the rolling stock of the Kenya and Uganda Railways. If they are not convinced, I should just like to mention, first of all, the necessity for making good the ravages of the war, and, secondly, the development prospects not only in Kenya but in the neighbouring territories which are served by us, at least partly served by the Kenya and Uganda Railways. The only way in which we are likely to get this rolling stock is to place firm orders at the earliest possible moment. If we do not then it means that other countries who are prepared to place firm orders now will have preference, and the only way in which we can place these firm orders is to make the necessary financial arrangements. I do not expect that we can get any of this rolling stock before 1949 or 1950, but unless we place orders now we shall fail to maintain our place in the queue.

The other items in this proposed schedule are £285,000 for stations, marshalling yards, etc., and £283,000 for staff quarters. The other main items are £28,000 for extending water supplies, and £20,000 for extending the control system. All these items, especially the rolling stock one, have received the detailed consideration of the Railway Advisory Council, and those items which affect the harbour have been considered by the Harbour Advisory Board; they give their unanimous support to the financial provision which is embodied in this resolution.

The actual method of financing will be by internal loan borrowings pending the passing of a Loan Ordinance at a future date.

MR. TROUGHTON seconded.

MR. NICOL: Mr. President, I quite agree with the hon. mover that it is absolutely essential that orders for rolling stock should be placed right away, but I rise on a point of principle really. It is

[Mr. Nicol]

For some years now we have been trying to arrange matters that the Railway loans are guaranteed by the Railway themselves. At the present moment as the hon. members know, Railway finance is included in the public debt of this Colony, and the sum of 14 or 15 million pounds is slung round our necks and has had an adverse effect in the past in enabling the Colony to raise loans. The Treasury have had a look at our balance sheet and have said "Look at the money you have to guarantee". This rolling stock and various buildings and that sort of thing will not be used only in Kenya or built in Kenya; I understand it will also be used in Uganda which does not carry any kind of guarantee of these loans.

I should like to ask the hon. General Manager, what the position is going to be in the future or is now? Because you cannot have the Colony starved of money for Colony purposes because of the heavy guarantee it has to carry on behalf of the Railway. It is an extraordinary position to be in, of course, when you get the Railway very much more wealthy than the Colony, and the Colony guarantees the Railway finance. Subject to a reply from the hon. member, I personally shall feel inclined to vote against this motion on principle.

MR. COOKS: Mr. President, I rise on a point of detail and not of principle.

Will the hon. General Manager inform me whether the rolling stock includes passenger carriages and, if so, will he have a new and improved type of passenger carriage?

SIR R. E. ROBIN: Mr. President, in the first place I will reply to the hon. member for Mombasa.

He says that the Railway loan schedule are slung about his and other people's necks. One thing I feel about that is that it is not too heavy a burden to bear for, in fact, could you have a better security than the loans guaranteed by this Government when the funds come from the Railway Administration? It is the best investment you can possibly have. However, I do appreciate the point in regard to the guarantee by Kenya Government of loans raised by the Railway Administration, and I think

members of Council are aware that for a very long time past we have examined the question to see how best it could be overcome. It is not easy. But an opportunity is likely to rise in the very near future under the reorganization which is proposed in "Colonial Paper-210" and subject to the agreement of the various territories, to amalgamate the Railways into a combined Railway. The combined Railway will come under the East Africa High Commission, and in all probability arrangements will then be made to raise loans which do not involve the guarantee of the Kenya Government. Should that not take place, I sincerely hope that it will take place, but should there be any hitch or difficulty we shall pursue still further this examination, whether under the existing organization it will be possible for the Railway to raise its own loans. But it is much simpler to do so if the Railways combine to come under the auspices of the East Africa High Commission.

Regarding the point made by the hon. member for the Coast, funds do provide for the purchase of passenger rolling stock. I am not quite sure to which rolling stock the hon. member was referring? (Mr. Cook: First class.) That being so, it is proposed to modify the design and to introduce some very considerable improvements. The designs at the present moment are under examination by the consulting engineers in England, and I think that if they are approved as they have been drawn here they will give satisfaction to the public and incorporate quite a number of improvements. I would not like to give the impression that we are going in for a very high luxury class passenger stock. I do not think this country justifies that, but we can incorporate certain improvements.

The question was put and carried.

LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) ORDINANCE, 1946.

CONTINUATION IN FORCE OF SECTION 3

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (Mr. Mortimer): Mr. President, I beg to move: Resolved, that this Council approves of section 3 of the Local Government (District Councils) (Amendment) Ordinance, 1946 (No. 26.

[Mr. Mortimer]

being continued in force until the 31st day of December, 1948.

This section precludes enemy aliens from having their names registered on district council electoral rolls and from exercising a vote in district council elections. During the war, Defence Regulations were promulgated making provision for this prohibition, both for district council and municipal elections. When the Defence Regulations ceased to be in operation in 1946, the district council prohibition was continued by means of an amending ordinance, and the municipal provision was continued by election rules. The Local Government (District Councils) (Amendment) Ordinance was operative until the 31st December, 1946, but provision was made for the continuance of the prohibition by resolution in this Council. Last year it was extended to 31st December, 1947, and it is now proposed to extend it for one year longer. There are still in our midst a number of people who are legally enemy aliens, and it is considered desirable that so long as they remain enemy aliens they should be precluded from exercising these civic rights. As and when the peace treaties of the various countries are signed, these people will cease to be enemy aliens and will fall back into their normal status of citizens of this Colony.

MR. TROUGHTON seconded.

The question was put and carried.

DRAFT ESTIMATES, 1948. REFERENCE TO COMMITTEE OF COUNCIL

The debate was continued.

MR. KEYSER: Mr. President, I will refer at the beginning of my speech to just a few points in the speech of the hon. Financial Secretary. He said at one point that we have had to allow increases in the price of tea, in the price of butter, in the price of maize, the price of wheat and the price of petrol. I should like to point out to him that I am unaware of any increase that has been allowed in the price of wheat. The wheat growers have a very good case for an increase in the price of wheat, and they have long been expecting an announcement from Government that they are going to have an increase in the price of wheat. I was

rather surprised to hear him say that there had been an increase in the price of wheat, when we knew nothing about it! (Laughter.)

Further on, he talked about the apathy of the general public in regard to the rise in the cost of commodities. There are various reasons, of course, for what is called apathy. First of all, the public may consider that there is a very good case for the rise, and they may have perfect faith in Government having made very deep inquiries into the rise before doing so. On the other hand, of course, they may consider that it would be a complete waste of time to criticize it because Government will take no notice at all of their remonstrations. I should like to give one example of that. When it comes to a question of an increase in the price of such commodities as maize or wheat, which are fairly widely consumed in this Colony, and affect almost everybody, there is not only a certain amount of resistance possibly to the attempt to get it, but there is a most frightful hullabaloo, but when it comes to a commodity such as timber, which everybody thought—even the people who lived very near the sawmills and associated with the mill owners—were doing very well out of their undertaking, the first that the public knows about it is that the price has been increased, and it is extremely difficult to get even the reasons from Government as to why the price of such a commodity has been put up. I mention timber particularly because, in my constituency, very little consideration was given to their request for an increased price for maize and wheat, when there had just been this very big rise in the price of timber, and I should be grateful if the hon. Member for Agriculture—I hope someone is making notes on it—would give us the reasons here as to why such a substantial rise was allowed in the price of wheat—(MR. L. WATKINS: Timber!)—timber! (laughter).

Also, if anybody is taking notes for him, perhaps he would inform him of a few criticisms with regard to Meat Control. I think it should be called, though they disguise it under the name of the Meat Marketing Board, but in fact it is Meat Control—there is no question about it. The disguise is a very thin one. It was instituted at the beginning of this year, and one of the

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Conditions laid down was that in the European areas the producer of beef had to pay railage for his cattle to wherever they were going to be slaughtered. He has no control himself as to where these animals are going to be slaughtered; he is merely told that he must send them to such and such a place, and then he has to pay the railage. One producer may be told to send his cattle to the local butcher, and all he has to do is to walk them in for about eight miles, and that is that. The next one may be told to rail them to Mombasa, and he has to incur railage of somewhere in the region of Sh. 15 to Sh. 20 per head. That is utterly inequitable and should never be allowed, and because that has been allowed to carry on for eleven months I am bringing it up in this Council in the hope that something will be done immediately.

While I am on this question of the Meat Marketing Board, I should like to say how completely fed up farmers are with the whole concern and the way things are administered. (Hear, hear.) First of all, it is a means of disseminating disease throughout the country, and there was ample proof of that only recently in my own constituency, when there was an outbreak of foot and mouth in the township, which we all suspect very strongly was brought in by cattle belonging to the Meat Control Board. In addition, when cattle are delivered to this Board, naturally they do not like their new surroundings. They are put into a home consisting possibly of a few strands of wire or a few sticks, and the first thing that happens is that they break out and break back to your farm, carrying back with them a good dose of east coast fever, or foot and mouth, or something of that sort. I myself had a case of it only a few weeks ago. An animal broke back, and the first I knew of it was that it was down with east coast fever. That is happening in many parts of the Colony. I do hope that some attention will be paid to this, and that somebody will inform the hon. member of my criticisms.

Yesterday, my hon. friend the Member for Nairobi South made a request to Government to investigate—I do not know what he was going to investigate (laughter)—but he requested Government that it should investigate very fully the

principles involved in the subsidization of basic foodstuffs to the consumer. I am glad it was to the consumer and not to the producer. I should like to say that I am extremely grateful to the hon. member for taking up the cudgels on behalf of the agricultural producer, and he stated their case very well and, I am sure, very convincingly. With regard to his suggestion for this investigation, I hope the investigation will be carried out in the very widest of lines, because quite frankly I am not happy about it myself.

He took up his attitude because of the increased cost of food that would result to the African. Yet I do not think it is the African himself who would have to pay for the rise in cost. It is true that there may be a small proportion in the towns who would, but the vast number of Africans who are in employment are rationed. I know that the Railway and some of the Government servants are not rationed; but the rise of Sh. 4 per sack of maize only means an extra Sh. 1 per month in the cost of the ration of maize to the employer. These employers who do not ration their labour could very easily give a rise of Sh. 1 a month in wages, and we have solved the problem, instead of having some £100,000 or £125,000 put into our budget and the whole expenditure side increased, with the possible consequential result, as for instance happened at home, that the incentive to work may be reduced. The people who it will affect most are the large agricultural employers of labour who do not grow their own maize, such as the sugar estates, the coffee estates, the wheat and dairy industries. The coffee and sugar people have just had their prices reviewed—I understand to their satisfaction—and they could with great ease absorb the increased cost of Sh. 1 per month of maize. (Laughter.) If they cannot easily absorb it, then I say that the prices of their commodities should be increased by the people who buy them outside Kenya and who are responsible for the inflation that is taking place in this Colony. That is only fair and logical.

With regard to the wheat and dairying industries, they are, we hope, about to have an increase in the cost of their commodities, and I hope it will be substantial enough to absorb any increase in the cost of food for their labour, and

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is would be very much simpler, to my mind, that these costs should be absorbed in that way, rather than making a problem of this sort which we know has had very ill effects on labour in the United Kingdom. I merely mention that I am not opposing the hon. member's suggestion because I think it is one which has to be investigated, but I am merely making a plea for a very wide investigation into this subject.

I am sure the hon. Financial Secretary is very pleased to hear that I am not worried about the present budget. We have, it seems to me, quite big surplus balances and very good hopes that we will have a surplus balance in the next year. What I am worried about are future budgets. As long as we can see light and present conditions prevail I do not think we can get into very serious trouble. The trouble that I can see might arise, and arise very suddenly, is in the event of a sudden deflationary movement, and that is where I think we have got to be careful and not be caught on the hop. The only parts of the present budget that worry me are the parts that might commit future budgets, and that is one aspect I think with which we have got to be extremely careful. We very easily undertake D.A.R.A. schemes for vast development, and we assume that in ten years time our general expenditure is going to be increased by something like £1,000,000; but I do think that we should also consider, and possibly use our imagination to see, what might happen in the case of a very sudden deflationary movement, which is not only not impossible, but in my opinion very probable.

I know that I am only a dung heap economist and have had no training in it, but you know dung heaps do inspire quite a lot of thought (laughter); and I should like the experts on the other side to answer the fears that I am expressing to-day. Again, a dung heap view is that the inflationary movement has been caused by a lack in the supply of foodstuffs, and that consequently—take your cereals for instance—the moment your cereals supply has exceeded the world's demand, you are going to have a sharp and sudden deflationary movement, just like that. I cannot see what is going to stop it. I know that 30 years ago the

economists of the world were of the opinion that commerce was completely divorced from agriculture; but they had sharp reminders that that was not so in 1929 and 1930, and my own opinion is that as soon as that cereal position has been reached, unless the nations of the world (who are not showing much accord to-day) can get together, there will be a very sharp deflationary movement, and that to my mind is the point on which the whole of our economic ability to-day should be focussed.

We should be watching that particular point, because if you get that sudden deflationary movement you are going to find yourselves in the soup, and also you are going to have to begin to guess how long it is going to last—whether it is to be a permanent one or whether it will be only a temporary one. As long as things go as they do to-day we can go on in our haphazard; happy way, but we have got to watch that deflationary movement very carefully.

This Colony is, as we repeat *ad nauseam*, dependent almost entirely for its national income on agriculture. I should like to refer to the hon. Member for the Coast's estimate of the national income of this Colony being at fifty million, I think he said, and he thought that with a national income of fifty million an expenditure of eight million was not very high. I entirely agree with him, and if I thought that our national income was fifty million I would not only be happy about an expenditure of eight million, but I would consider it a complete waste of time hon. members sitting here discussing such expenditure, instead of going out and having a good jollification from one end of the year to the other. My own view is—again a complete dung heap estimate—that the national income is somewhere in the region of fourteen to eighteen million pounds. I am not quite as precise as he is to state one figure. I think that is very much more like the figure. You could not possibly, in my view, have a national income of fifty million, which is entirely dependent on one industry, when the exports of that industry only total some-thing like seven million pounds. (Mr. Cooke: What about invisible exports?) I think the exports are somewhere in the region of three million, if he includes capital coming into this country as

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National income. I do not know, I am not a sufficiently high class economist to know whether that should be included in it. I think it is unsound finance to include capital coming into the country as part of your national income. (Mr. COOKE: It is national income.) Well, it is unsound then. (Laughter.)

It would be interesting to compare a country like this, which is entirely dependent on agriculture for its national income, with some other country. The comparison I have taken is that of New Zealand, which is most interesting to me. Kenya has an area of 224,960 square miles, and a population computed to be somewhere in the region of five million.

Its domestic exports amount to £7,094,000—that is the figure for 1946. New Zealand, with an area of 103,394 square miles, a very considerable proportion of which is rock, mountain and water, and a total population of one and a half million, exports agricultural products to a value of £96,000,000, and non-agricultural produce of £2,700,000. Those are figures that must tell a very sad tale. It is to me the crux of the whole thing. We must somehow increase our national income, and the people, to my mind, who have it more in their power than anybody else in this Colony to increase that national income are the African section of the population who form something like 95 per cent of it.

Yesterday the hon. Member Mr. Mathu, in a very good speech on which I should like to congratulate him, made certain references which I am now going to start knocking about a bit. I should like him to know that I am doing it in no spirit of animosity to the Africans—it has so often been misinterpreted to be that—but because I think it is helpful to the Africans to know where possibly they might be going wrong or where other people think they might be going wrong.

He mentioned that the approach to the African problem should be done in a human manner. He went on to say that he thought that everybody should work, whether it was in the reserves or out of the reserves, and I agree with him, but I think he will also agree that work in the reserves is not really what one should consider—the amount done is not what

one considers to be a full day's work. What we want is for everybody in this Colony to pull his weight, to do a full day's work. He said he had been round to the local ladies' society and had told them not to feed the husbands who did not work. Let us use our imagination a bit and picture the results of that scene. (Laughter.)

Mr. Jeroge in the morning walks out and goes up on to his ant heap, and then he does two things for which I have envied him ever since I have been in this Colony. First of all, he makes his mind a complete blank—and although nature has gifted me with a mind which is almost blank, I have never succeeded yet in making it a complete blank! He then proceeds to carry out another feat I have tried to emulate and failed, and that is to sit (there, possibly for two hours, and spit most successfully. I have never been able to do that (laughter), try as I might! At the end of two very enviable and enjoyable hours, his mind is suddenly brought into motion by a little rumble in the middle of his anatomy. Getting up, he stretches himself and goes into his hut and calls to his soul-mate for his food. There is a chuckle, and the looks up and says "Huhl!—No work to-day: no food!"—And his answer to that is, combining modern education with ancient customs, "You're telling me!" (Laughter.) Taking up a piece of fire wood he knocks her one on the head (laughter), and sits down anticipating the meal that is presently put before him!

I do submit that that is a very human approach to a problem which at one moment appeared completely insoluble, and I think that if the hon. member approaches the problems that appear before this Colony to-day in the same human manner he would find their solution almost as easy as that of my friend Jeroge's was.

Did I hear the bell? (MEMBERS: Yes!) The hon. member went on to say that Africans are extremely poor. Commenting on the hon. Financial Secretary's speech—in which that hon. member stated that he was surprised at Government's moderation over the African position—the hon. Member, Mr. Mathu said Africans are extremely poor and could not buy more and Government knows it, and that is why they did not

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increase the African taxation. Well, he might have guessed right as to what the Financial Secretary stated, but why are Africans extremely poor? Are they making an effort to cease to be poor? That is what I think we have got to consider, and I should like the Africans to consider, whether they are really making an effort to cease to be poor. They want more social services such as education and such as medical. One reason why they are not making such an effort to cease to be poor is because there is no need, there is no incentive. The hon. member himself said that every man most work in the country, but what is the incentive? The incentive in northern countries like England is that if you do not work you starve or you die of cold. Cold is a problem in the northern countries which needs a very considerable income to stave it off. There you have to keep your body temperature up, you have to have good clothes, good housing, expensive fuel. The African in this country can wipe all that out in most places. He is absolved of that expenditure slip off. But he wants better education. To what end are you going to educate him, and are we going on the right lines? I know the bell is going to ring in a minute and I shall have to stop, and I would like to have been able to pursue that subject.

I suggest to the African that, should we continue at the present rate to increase his social services, we are taking from him one incentive to work. The greatest incentive to him to work to-day should be to increase those social services himself, and not want everybody else to do it. Take education. As I said a few weeks ago, it is only this Colony which has to have schools for apprenticeship, where a lad is apprenticed at a very low wage and does heavy work for some considerable period, possibly five years or more. Instead of asking for another N.I.T.D. or for it to be increased to ten times its size, I should like to suggest that Africans started to apprentice themselves to good artisans. That is the way to get good artisans. We even have to have schools to teach the African how to milk, yet the moment he is projected into this world, after opening his eyes, the

first thing he saw was a cow, or possibly a goat, yet to-day we have to teach him how to milk! (Laughter.)

I support the motion.

MR. MATHU: On a point of explanation, the speaker did, I think, say that I had gone to see the local ladies society. That is his remark, but I did not say anything like that.

MAJOR KEYSER: I am sorry I misunderstood him!

ACTING LABOUR COMMISSIONER (Mr. Carpenter): Mr. President, in this Council in 1946 the hon. Member for Kiambu, in moving a motion concerned with native policy, prefixed her closing remarks as follows: "Before I leave the Labour Department in its primordial peace". Primordial peace! No sooner had she spoken those words than sparks began to fly from the squatters in the Highlands, sparks which were fanned into a blaze by political agitators. Did any say political agitators? I think I mean I say political agitators? I rather better, His Excellency puts it rather better, "passers of the hat". By the end of 1946 this period of activity increased. There was a strike at Mombasa, and only a temporary lull while the Tribunal sat. Its award did little to dispel even intense activity on the part of those agitators. The Labour Department and its officers had to exhibit that "virile outlook and intensive action" which the hon. Member for Kiambu made such a point of in 1946.

I think the three questions which the hon. Member for the Coast asked are, possibly, the three most often asked of members of our department. I will repeat them. Finally, why does the African not go out to work? Secondly, why, having come out to work, does he not stay at it? And in either case, why does he not do a proper day's work? Thirdly, what is Government doing about it? The hon. Member for Nairobi South has suggested the answer to the first and has suggested the answer to the second and third questions. He advocates that the control and direction of labour is the answer. If these words "control" and "direction" are merely another phrase for "conscription" or "conscriptional labour personnel," personally I should not advocate that we make any attempt to reintroduce conscript labour, at any rate

(Mr. Carpenter) for private enterprise. I hope to show that such drastic action as the hon. member proposes is, in fact, not really necessary, and in any case I should like also to say it is not even advisable. When I was District Commissioner at Nakuru, I was responsible for the camp which harboured the conscripts before they went out to work. There was considerable evidence that in the reserves, where private people were trying to recruit labour, those chiefs who were responsible for a quota towards this conscript camp were most unwilling to let those volunteers go out to work, because they used to keep them against their next month's or next quarter's quota. That was one danger of the conscript system.

In point of fact, the African has come out of the reserves in far greater numbers than perhaps members appreciate. The actual average figures of Africans at work outside the reserves are in the neighbourhood of 280,000, but this figure bears some examination. I estimate that of this 280,000 no less than 150,000 are permanently employed outside the reserves. A small arithmetical sum will give you a difference of 130,000. Those 130,000 people do not work all the year. According to our figures they average only some six months in the year. A second arithmetical sum will give you the fact that if that 280,000 figure is to be maintained, the numbers actually at work for shorter periods than a year amount to some 260,000. That means that out of the reserves there are no less than 410,000 persons in the course of the year, and that from a total of 730,000 adult males available to work, I consider that that is a fairly reasonable average.

The hon. member mentioned the subject of recruiting. I will not dwell at length on that subject, except to inform members of the Council that an investigation into this subject is going on now, especially with respect to professional recruiters. Therefore, it is not so much a question of not coming out to work but of not staying out and not doing a proper day's work.

The chief reason for the African coming out to work at all is to provide money for his wants. Having come out to work, what does the African find?

He finds that what he wants is not there, or if it is there it is too expensive to buy. At any rate in the towns, he also finds living conditions which are often far worse than those he experienced in his own town. He misses his own women-folk. After the first inevitable excitement of the change, he finds his work and his situation irksome, sometimes intolerable. Thus for a newcomer out of the reserve into the towns, it is pretty safe to say that there are no proper living conditions for him to-day. New housing has not kept up with the increasing demands made upon it. A few Africans are throwing off their natural inertia and lack of ambition which is inherent in them. I put it to employers, my labour officers do as well, that if employers do not encourage this type of person he will not increase. So often have I heard it said by the employer, "I cannot give so-and-so a rise. He is a good chap, I know, but if I do, his companions will come along and say they must have the same rise." So the ambitious one remains with the herd, and becomes as one of them.

When you and I, sir, were young we went out to work. (Laughter.) If we got the sack we found it difficult to maintain ourselves. Until the African, or anyone else for that matter, appreciates the meaning of the term "dignity of labour" and not just the bare necessity of having to go out to work, it will be some time before he realizes the advantage of doing a day's work. He can work—he can work really well.

I would say that there is every indication that the African is aspiring to a higher standard of living. His leaders reiterate every day their requests for better pay and working conditions. It is for them also to emphasize that these conditions are only provided if the worker does his share. There was a recent strike of some 900 workers in a specialized industry in this country; they had been advised by some politically minded gentleman with but a meagre knowledge of economics that they were on a pretty good wicket, that they were indispensable to the industry. It was pointed out to them that, although they were in a strong position, although if they did walk out the firm concerned would probably have to close down, yet there were two sides to this question, and once they walked out of the gates of

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we concern they were no longer one of its members but reverted to an ordinary manual labourer. These 900 men walked out, and almost 95 per cent walked back within 48 hours. They had learnt an elementary lesson in economics, that although industry is dependent on the worker, the worker is also dependent on industry.

As to why the manual labourer particularly has such a small output of work to his credit, or rather discredit, this type of labourer has no particular interest in his work. He finds it often irksome, and the least he can do is to make that work not too arduous. As I said just now, he has no fear of the sack, he can get other work just round the corner. Therefore I should like to emphasize that the direct and personal relationship between employer and employee is most important. I believe that these relations at this level of worker are even more important than at any other.

We come to the third question: "What is Government doing about it?" Government, by its policy of increasing education and health services increases the standard of living, and thus automatically increases and creates the wants of the worker. To have those wants he must have money, and that money comes from wages. The standard of living and the conditions of living of the workers of this Colony must be improved. In many cases they are, in fact, low. It is perfectly true that the standard of living depends on the income of the Colony, and that must be brought home and is being brought home to the African by members of my department every day. As to the conditions of living, I would remind hon. members that there are still 10,000 persons in Nairobi to-day who, in spite of the very excellent municipal housing schemes which have already been completed, have no proper roofs. In one area alone, an area of 40 acres in this town, there are 15,000 people living in houses fit and suited only for 9,000, 375 persons to the acre. I think, though I saw some rather disbelieving looks on the faces of hon. members opposite, when I spoke of Africans coming to town not finding things altogether very fine and sometimes intolerable, I have justified that remark.

I have often been told that the African does not appreciate good housing. Well, a child does not appreciate the danger of playing with matches, nor does he appreciate the hundred and one things which are good for him. This country has a very rapidly growing population, and it is true that this growing population can only be absorbed by industry. This industry is naturally concentrated, and this concentration must be planned. I am assured that the Government departments concerned have this under their very active consideration. As the temporary head of the Labour Department I wish that that consideration was a little less considered and a little more active. (Hear, hear.)

Fourthly, it is the aim of my department by constant propaganda to bring home to employer and employee that, as the hon. member for Nairobi South said, the preserving of harmonious relations is probably the surest foundation for the workers in this country. In furtherance of this policy, it has been the policy of Government and the duty of my department to foster the true meaning of trade unionism with its system of collective bargaining, and to emphasize that in this system the strike weapon is the last weapon used. It is very difficult to explain that discipline is the key note of trade union organization and that its power lies in peaceful discussions, when the papers are full of all sorts of strikes the very reverse all over the world. We have, however, a trade union officer of wide experience, and I am sure that his teachings are bearing fruit.

Fifthly, by bringing home to the worker of the country the implication of the word "wages", Council may wish to be assured on what basis these principles are put out. The advice given by labour officers relates to the work done and the ability of the concern to pay. The casual observer will say that the African is receiving very much less than the Asian and the European in comparison, but wages are paid half the price. When wages are paid, the employer's obligations are only partly discharged. He is in loco parentis, he must provide medical care, housing, recreation, and that completeness of supervision necessary for a dependant child. The cost of such services must be added, and they increase the real wages enormously. I agree with

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the hon. member for Trans Nzola when he says we have reached the stage when any further general rise in wages will merely be passed on to the consumer, and the worker is then no better off, perhaps worse. If the standard of living is to be generally raised then the national income must be raised accordingly. I have seen demands in the African Press for a minimum wage of Sh. 100 for every worker. The African will have to work twice as hard if he wants to raise the national income to that extent. I think he can work twice as hard and still have plenty of energy left! (Laughter.)

Finally, through the medium of the Labour Advisory Board, which assists in keeping the labour legislation up to date, and not only up to date but consonant with the needs of the country. It has under its present deliberations the forms of contract in use to-day; also the question of trade negotiating machinery which has been exercising a lot of us in the past few months. I am anxious that a greater percentage of Africans will come out of the reserves, and will stop for longer periods than at present, and that more and more Africans will come to realize with our help the meaning of the phrase "dignity of labour".

Now I come to the matter of labour exchanges which appear in the estimates for the first time. These labour exchanges were part of our rehabilitation and reabsorption system for ex-service men, sponsored and paid for by the United Kingdom. Labour exchanges are part of the ordinary labour organization of any country.

For one moment I will comment on the N.I.T.D. though I expect the hon. Director of Education will have something to say on this point. In the past this institution has come under the Director of Training and the Director of Man Power, and our difficulty has been not so much one of finance as one of lack of trained staff, and however much this Government may wish to increase this institution tenfold, it will find that very difficult.

The other big item in these estimates as far as my department is concerned is national registration. The merits and demerits of national registration have

been discussed already in this Council. I should like to add one remark, that I hoped that we will install, with the greater part of that money, a micro-film system of registration which will take the place of the present card and paper records. Such a system will enable the revenue department and other departments to have a complete duplicate of their records, and they will be able to house them in a very small space. They are also fire-proof, which our present records certainly are not.

In conclusion, I make no secret of the fact that I did ask Government in my draft estimates for a larger establishment. The extra staff was not given me. They do not appear in these estimates. If the money is not available this year I would ask Council to give them a fair wind next year.

DR. RANA: Mr. President, first of all I should like to associate my name with those hon. members who have paid a tribute to the hon. mover of this motion for the very clear and vigorous way in which he presented the budget.

First of all, I will touch on two general points, and then I will pass to a few items which affect the constituency I have the honour to represent. First of all income tax.

I am sorry the word income tax is a very loathsome word which none of us like, but at the same time I must say that if this country is to develop, if all kinds of services have to be kept going, with due regard to the lower income group the people in a position to pay must pay willingly. I would certainly agree with the hon. Chief Native Commissioner and the hon. Deputy Chief Secretary. I am not one of those who say that income tax at present is very exorbitant, but at the same time I must say that people who can ill afford to pay—the people in the lower income group—should be helped, but anybody over £1,000 I should not have very much mercy with them. At the same time I should like to support the hon. Member for Nairobi South. There is not the least doubt that the Central Government and the Administration are going beyond their proper bounds. The time is coming when Government should not only see that the African works and other races work, but I think they must see that the

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Government officials honestly and really work. (Laughter.) When I say that, I do not mean the very hard working official, but I am sorry to say that, according to my experience, I know there are a good many who are quite superfluous in certain departments and—who are not pulling their weight. (Applause.) That is as far as income tax is concerned.

Cost of living. I wholeheartedly agree with the hon. mover who laid great emphasis on the rising cost of living, and the hon. Member for Nairobi South, if I understood him rightly, also aimed at the same point. No doubt, taking general world conditions, the past has not been good, but there are certain items which could be brought down in price in the country of this description. First of all on the question of subsidy, which the hon. Member for Nairobi South has referred to, I do not consider that is a thing that the Government should ever consider. Subsidies are all right as far as countries like the United Kingdom are concerned, where the population is greater and the land for producing the foodstuff is restricted. There the people have to depend on a great amount of foodstuffs being imported into the country, but here are vast tracts of land, and I wholeheartedly agree that if the African, the Asian and the European work on the land which nature has given them, I cannot understand why there should be any subsidy at all. With that view I would impress upon Government, that it is not only the African who is lazy, but other races should see that they do their fair share, as well. I for one am not ashamed to say that even among our own Indian community there are numbers of people who could employ their time in various beneficial ways who do not do a good job of work.

I would say that with the majority of the races here our standard of life has gone beyond the means of this country. I have been in Europe, I have been in Asia, and now I have been in Africa, and here we try to copy each other and we try to live on a very lavish scale. I hope the hon. members on the European side will excuse me—when I say that in England the men and the women have to work very hard, but here we depend on African servants whether we can afford

it or not—because so-and-so has four servants, I must also have four; because so-and-so gives sundowners, so I must do it too. This is the system and this is the life. I am not ashamed to say that even in my own community the artisan class, who could never have any servants in India, are keeping two and three boys—I ask you, in what other part of the world could that type of life be obtained? The time has come when everybody should try to help in the development of this country, and I submit that the only way is for everybody to help the agriculturalist and the farmer to produce more. I cannot see any reason for any subsidy of any kind whatsoever.

After those two very controversial points I turn to the Commissioner of Lands and Mines. I think this is of interest not only to the coast but to the whole country. We have heard about the development of this country, and I should like to draw attention to the scarcity of surveyors in this Colony. Some hon. members may not be aware of it, but this Land Office is a closed shop. No surveyor of any race is allowed there unless he has gone through a special examination, in which the examinee sees that no other surveyor earns his living. There are tracts of land in the Colony and in the township areas the owners of which want to develop, but cannot for lack of surveyors, and I would strongly request the hon. Commissioner of Lands to pay special attention to it, either by importing more surveyors or by giving jobs to those who really can do useful work, and see that the examinees are not too strict and do not prevent people from earning their livelihood in a decent way.

I now come to Controls. I have said enough in the past few years on it and I can see the hon. Financial Secretary looking with very ferocious eyes towards me. The *lisa* said the better it is. We all have different views. We cannot get rid of them, but I would plead particularly of them, but I would plead particularly regarding foodstuffs as far as the race community is concerned, and that is in regard to the main articles of diet, rice and wheat, there should be better coordination between the supply people and the commodity people. The stuff is there. It is the fortunate middlemen who, due to their wonderful tactics, are trying to exploit the poor consumer. Now one can get ghee from Somaliland and from

[Dr. Rana] the adjoining territory, and I think it could now easily be put out of control. Secondly, rice, there is enough in Tanganyika, in my opinion. Those of us who use rice somehow or other manage to get it, and if control was removed, I am sure it would not affect the country.

While on the subject of foodstuffs I should like to draw attention to the very bad quality of the food, which is being adulterated mercilessly by the producer or the merchant. For instance, sand is being put in the sugar, I do not know who puts it in! (Laughter.) Rats have been found at the bottom of tins of ghee, and birds have been found there. Things like that cannot be allowed by the Medical Department. Unfortunately, we have to put up with that. The authorities should see that people of high integrity should be placed in charge of these departments. When the war was over we thought we should be able to finish with them, but the present world conditions may continue and we may have to keep them for some years, and those Controllers all think they are on temporary terms and everybody wants to make the best of a bad bargain. There is no certainty for them and the time has come when those Controllers who have the good fortune of being in charge of the Controls should be selected with very great care.

Coming to Mombasa and the Coast, first of all I should like to thank the hon. Director of Public Works who very kindly listened to my plea last year and the year before and has provided a water supply for Mariakani, Mazeras and certain other areas. In connection with those thanks I should like to put a request to him, and that is, that if there is going to be a new scheme for supplying water to Mackinnon Road from the Taavo River, an attempt should be made to have a bigger pipe, so that that water can be utilized as far as Mombasa and the territory through which the pipe line will pass.

Coming to the department and the profession to which I have the honour to belong—the medical side—I should like to support the hon. Member for Mombasa, who has explained the position of the European hospital in Mombasa very vigorously. I myself

know that there is very great lack of accommodation in the European hospital. Regarding our Asian side, it is non-existent to a very great extent. I cannot see the hon. Chief Secretary unfortunately, but I hope that when he replies he will see that first priority is given as far as hospital construction is concerned of the Asian and African hospital in Mombasa. We are supposed to be the gateway of Kenya, and people believe that the gateway of any part of the world should be very decent and very attractive, but it is not the case here. Many of the up-country people from ships who have the misfortune to be ill at the Coast have to go into hospital, and I am sure the hon. members on my right will give us every possible support in having a real and up to date hospital.

I am not of the opinion that the buildings which are being put up to-day should be of too high a standard, due to scarcity of building material. Some hon. members must have had a look at the African block of the Group Hospital which has been erected in Nairobi. With all due respect, I say that that is too extravagant and luxurious in a place like this. A waste of money, I call it. There was no need for it. A very simple hospital could be built with one quarter of the amount of money. I will give you an instance. We have built a social hall for the African community in Mombasa worth £25,000, and the Africans do not like to go there very much. The result is that that money could have been utilized in providing a better hospital or some other amenity, without giving them a dancing hall, bars and things, which everyone of us would like to have but which at this time are not so essential.

With regard to education I should like to ask the Director of Education about Mr. Kazim, who visited this part of the world this year, and I should like to know whether his report is going to be put into a pigeonhole or whether any action is going to be taken on his recommendations.

On this question of education and medical services, I am one of those who believe that medical and educational facilities must be provided by the State, irrespective of colour or caste or creed. If each community in this country is going to have to provide the money for

[Dr. Rana] and every item that affects that community, I am sure we will not go very far. I am not asking for too many hospitals or schools, but I must plead that whether it is for European or Indian or Arab or African, these two departments are the most important departments in any part of the world, and they can only be run in a satisfactory way if they remain under the control of Government. I am not suggesting free education. The money has to be paid by somebody, and those in a position to pay should pay. There are poor Europeans, Asians and Africans who would be unable to get even elementary education if they were not helped by the State. The same thing applies with sick persons, and I would plead that reasonable attitude should be shown by all hon. members.

On the medical side I forgot to mention our present hospital in Salim Road. If I understand it correctly, it is the intention of Government to shift from there. I suggest to the hon. Director of Medical Services and the hon. Member for Health that that site is very valuable, and at this time when people have a lot of money to waste on speculation they should auction those plots, and they will realize all the money they need to spend on the new hospital. Secondly, there is an amount of £30,000 left by an Indian for a maternity home, which money is lying useless, and I would request that that home should be built as was desired by the person who donated the money.

Further, I should like to request the hon. Director of Medical Services to pay more attention to some of the health centres at the Coast which are very badly needed by the natives in that part of the world. I am sorry I have used the word "native", because I understand the word "native" is not allowed here. The African on the Coast is a very sickly person, both from the nutrition and general physical point of view. As everybody knows, the Tana River area is going to be developed, and many other coastal areas, and this is the time to consider what facilities will be needed by the Africans.

On this issue we have been having a lot of controversy about the dairy farms on Mombasa Island, and I request the

hon. Director of Veterinary Services, or whoever is in charge, to see that some experimental work is done on Mombasa Island to see if cows can be kept there and the areas made fly-proof. I can assure hon. members that as far as the Indian cow owners are concerned they are perfectly willing to move from that place; it is only the Government that has paid no attention to it in the past five years. The Mombasa Municipal Board and the Mombasa cow owners are quite willing to remove their cows if they are given some area where the cows can be kept. I want to make this point very clear.

Council adjourned at 10.55 a.m. and resumed at 11.15 a.m.

Mrs. WATKINS: Mr. President, I rise to support the budget. On the revenue it seems to me that taxation is now very reasonable, but, also on the revenue side, I think there are one or two departments which are not charging as much as they might for their services, and that I will deal with later under the departmental heads, but I think that is also a matter which should be considered on the revenue side.

We have all heard the hon. Member for Nairobi South, our leader, say that he wanted consideration of the possible subsidization of essential foodstuffs, and if it was going to stop inflation and raise the standard of living I should cordially agree. It has certainly got to be investigated. Speaking also, I should an economic dung bill exponent, I should like to say that it seems to me that a low interest loan, income tax free, would be a very much better way of mopping up the spending power by the unproductive into this country by the unproductive work being done now at Mackinnon Road. After all, when you are pumping a tremendous lot of extra spending power into a country, and if you are going to cause inflation, and that is itself is going to take some of that extra money out of the temptation of the people who cause what not, it seems to me that you might have a very low rate of interest loan, free of income tax, to mop up the spending power and help peg down the standard of living and inflation. I should like to have an answer as to whether that is practicable or not.

[Mrs. Watkins]

On the expenditure side, we have been invited to say where we should like to see one or two cuts, and there are one or two very obvious ones to my mind. One is famine relief. There is work for everyone, and if you say that it is only for the women and children, I maintain it is impossible to make large issues of food to any district without the bulk of it going to the men, for by native custom it is the man who is first in any of these things, and the women and children come after. So to leave famine relief in a large dollop in the budget merely means that you are perpetuating this system, and you are encouraging the African to stagnate on his sub-subsistence agriculture in the ever more worn out reserves by the fact that, if anything does go wrong—or a little more wrong than usual—they are going to be looked after anyway, so that there is no need to go out and become a wage-earner.

Every civilized country in the world, not only here, has had to learn that when you cannot get subsistence from the land you have got to go out and become a wage-earner, and there is no reason why that hard lesson should not be learned here. I think that is a very important point. After all we are not passing through a Kenya crisis, or a British one, or even an Empire one; we are passing through a world food crisis, and to encourage the African to stagnate on the customs of Abraham in this twentieth century is an indictment of the whole of our Government, I consider. I have even heard it said that you cannot alter native custom quickly, but you have to alter that system quickly. In order to put a stop to famine we had to import food. Surely then you did not just import it to allow them to go on living in the same old way? Surely the proper way to bring that about, to stop famine, is to insist that they should become wage-earners and go out and help with production. If the reserves can no longer support them, and there is no argument about whether the reserves now can support them or not, because, as our medical services and other services are increased, so the population is going to increase enormously. I think that the sooner that lesson is brought home to them by the abolition of famine relief the better, and the African should be made

to go out and earn his living like all of you and all of us have to do.

There is another hidden famine relief. I call it, on page 169—£100,000 for cheaper food. If you want subsidies, then have it for everybody, but do not have it just for the picked few, and rather hidden away in war expenditure. £180,000 for a food shortage out here, and no food shortage exists!

The next point is Information Office, and I should like to see that cut from £28,000 to £10,000. I should like to see that department, which is a very useful department, kept going, perhaps with an information officer at headquarters, and a couple of clerks, and he would be the liaison between the commercial Press, who after all can do the work quite adequately. That liaison officer should not have an enormous staff. There is so uncomfortable rumour going around that there is going to be a new Information officer who is going to insist on having £2,000 a year. I do not know whether it is on the cards or not, but I submit that this country cannot afford these people and they do not want them. Nor do we want £10,000 voted for an African paper. After all, the Africans can quite well afford to pay for their own press. They would sooner have things left in their own hands than have Government propaganda. They do not want to pay for Government propaganda and they do not want to pay £10,000 to get it across. They can do it in other ways quite adequately.

Last year it was suggested that a printing press that was inherited by our Government Printer from the military might have been placed in the Co-operative Society to form a nucleus for the African press. I deplore the fact that one of our racial communities should have to use the printing press of an entirely different racial community, which does put them rather in their hands. I think that the co-operative society official should be encouraged to form a co-operative printing press for the African, so that they can get complete freedom of the press, ruled over by laws which we all have, so that we do not abuse that freedom. I should very much like an answer on that this time. So far these suggestions have been ignored.

[Mrs. Watkins]

Labour. Words almost fail me, but not quiet! Never in thirty-four years have I known such indiscipline, such breaking of contracts, such cheating, such stealing and so many agitators as we have now, and I speak not only from personal experience, but from the experience of my neighbours. I have heard it said that it is entirely to do with lack of things to buy. I would say from my own experience that that has very little, if anything, to do with it. The first difficulty is that the dishonest African, who was trained or got into the habit during the war, can make so much more than the honest worker that it is very difficult for the honest worker receiving an honest wage to remain honest. It is a frightful temptation when he sees a man pilfering coffee, or tea, or what have you, making five times his wage in a year or in a month, for him to remain honest. That is the first difficulty, and they get away with it partly because of the intricacies of our law, evolved in England and applied out here where it is entirely unsuited and which we did not have when we were in the same stage ourselves. That is one thing. They have got away with it, and the way these things are going makes it extremely hard for the honest African, of whom I have many in my employment, to remain honest.

The second difficulty lies in the implementation of His Excellency's own decree that all must work. The work I think he meant was productive work, and in England it has to be productive too. You say that there is no direction or conscription in England, I heard it said on the wireless again yesterday, but there is very strong, I might almost call it coercion or encouragement. I will give you one concrete example. My young daughter failed to get a boat back and the had to register. She was immediately told that, at her age, she lifted potatoes in future. She is now lifting potatoes in Yorkshire, with various other girls her own age whose husbands are in China and other places. I do not think it is her aim in life to lift potatoes, but I do not think she is grumbling. But if without conscription she can be gently propelled into lifting potatoes—a girl with education and so on—I cannot see why we cannot use the same methods

and achieve the same results here, nor do I see why this should be unfair. I am not talking about conscription—going out with army lorries and all the rest of it—I am simply talking of that gentle propulsion which has been done before and which can perfectly well come again.

I think that work needs defining. I think that the definition of work is sometimes taken as synonymous with occupational therapy, but compare what is happening now. After all, occupational therapy does clear the mind. What is passing now as work does not even do that. I refer to the seven men I passed yesterday on the road, all selling charcoal—seven men sitting on the road selling charcoal a shilling's worth a day; or again you can go into the native market and see ten men sitting on a row of upturned boxes, selling a few razor blades or a few matches, and making perhaps Sh. 10 a day. I think that is the kind of unproductive work people should be propelled out of and turned into something the country really wants.

Again, I think domestic servants should be rationed, as was done in the war. I think we have got to do something to peg our standards of living, and it is ridiculous to say that you have to have three or four servants to a house, when one man servant for every line of work. I do not see why you cannot have a rationing of servants again according to the size of your household or according to special needs. There ought to be a way of zoning these things. For instance, you cannot in the south of England buy a biscuit made in the north of England, and that sort of thing. When you have a large sugar factory and you cannot get labour, why not zone the sugar, so that if that factory cannot get labour for cutting the sugar, it is just too bad—that reserve has to go without its sugar? I was told that the answer to that was that the conditions for labour in that factory were most unsatisfactory. Well, I want to put a point-blank question to the Labour Commissioner, and that is, what is the Labour Officer doing if conditions are really as foul as that? Surely he ought to get the conditions right and then encourage the labour to go into that essential industry—not just sit back and say conditions are not fit.

I want to answer one thing the hon. Member Mr. Mathu said, and that was

(Mrs. Watkins)
this. He talked of harmonious relations. I enjoy very harmonious relations with most of my Africans and most of my neighbours, but if my neighbours came over, five or six at a time, and threw stones at me and threw bricks at me, and everybody who was with me, I should not consider, if I took self-defence measures, that I was disturbing harmonious relations. I should have said, especially if they came ready armed, that I was not the person, even if I shot, who disturbed harmonious relations, but that I had every right to do it and to continue to do it until one of those stones put me out. I think that is the attitude we would all take.

I want to refer quite briefly to those two Government head-ches—the Education and Medical Departments where the expenses are far outstripping our capacity to pay. I think I can bracket both together as far as revenue is concerned, because I believe that neither of them are charging what they should for their services. We know that one point is *sub judice*, and that is that the Education Department is having a committee to decide how much extra money can be obtained from European parents who send their children to Government schools, and perhaps Asian parents. Then we have the other question—the Medical Department—and this pamphlet which has been laid to-day says that they do not see how they can possibly increase the fees or get money from the African, beyond getting it from the employers, for dispensary work. Nobody seems to have thought of using a turnstile, which seems to be a very simple thing. I have to go to the dispensary constantly, and they have 300 or 400 patients a day—the hon. Director of Medical Services will correct me if I am wrong—and if each of those patients paid 6d. and if the same thing was done at other dispensaries, a large amount would be collected to go towards departmental expenses. Surely some turnstile arrangement, which would be safe from pilfering, might be invented by the Medical Department or obtained from England. I think that would be a possibility.

I want to say one thing, and that is we do not want to curtail and we cannot even stop the increase of either of these departments unless you stop the increase

of population. We have got a settlement scheme which is going to bring in new settlers, the African population is increasing by leaps and bounds, and it is futile to talk of stopping the increase. Of course, to take some of that expenditure off the central revenue, that is quite a different point. That is one of the things which we have been dealing with. You can put up the rates or have a separate medical tax, but right here and now I want to ask for two increases. I want to ask for more hospital accommodation for Europeans, which is quite essential; and I want to ask for better bursaries for the children whom we are sending home. I have just come down from Oxford where I have been staying with one of my family, and I found that nearly all the bursaries issued by other countries and by the Services were valued at £250 to £290 a year. My own girl has a Service bursary of £290. It seems to me ridiculous that bursaries from here are limited to £150. One of our bursary girls from here was cutting hedges in the gardens after hours—doing very heavy work—to try and eke out her money. I think that is perhaps rather deplorable; that she should do it is not deplorable, but that she should have to do it is deplorable.

I want to say one thing, and that is that anybody who thinks they can curtail medical and educational services is going to come up, possibly, against the strongest union in this country—the women. Individually, of course, we are awfully amenable, but taken *en bloc*, with the Women's League as the apex, we are very tough, and I suggest that this is a war that we should take right into the homes of any man who wanted to stop or curtail these two services, which we as women know to be essential and which we are going to support. We are a very strong union at the moment, and we can get every woman in the country into it.

The hospital scheme is not working well. I hear there is no money in the kitty to pay out the sums for which we are compulsorily insured. I do not know whether that is true. I also hear that a great many extra charges have been put on by Government—and I do not know whether that is true. If they are, I think it needs inquiry and we should have some explanation of it.

(Mrs. Watkins)

There are two constituency matters I want to bring up, and the first is the Limuru Road. I think I need make no apology in referring again to it. There are a few hot-poles on it which have all become very familiar, and they grow larger and larger every time. I must ask the Director of Public Works a direct question, and that is, when can we expect that road to be in what I call a useable condition?

The other question is about wattle. Our constituency grows a considerable amount of wattle. The industry has been in an extremely unsatisfactory state lately because the two factories—one Indian-owned and one South African-owned—seemed to have a complete monopoly, and the export which went on very happily before the war is not now allowed. The factories cannot take the bark because they are over-full, and we are not allowed to export it. The consequence is that we have got a mountain of wattle bark—a complete mountain—up there going to waste because no export is allowed, and dollars are being lost. We have an answer from the hon. Member for Agriculture that the factories are able to take the wattle. The answer is they are able, but they have not done so and they said it is because the wattle is immature. Everybody knows who grows wattle that you have to cut it all at one time, certain trees are immature, and therefore they have to be graded. Here, they do not have grades. Therefore half or one-third of your wattle is wasted. I wanted to draw the attention of Council to that. The industry has got to organize itself and then we may be able to get something done about it.

Recently, the Kiambu Electors' Organization passed this resolution: "That this meeting, being very dissatisfied with the present conditions governing the disposal of wattle bark, which impose an unnecessary limitation on the export of mature bark and causes enormous wastage; and being desirous of accelerating the country's export potential, is of the opinion that every facility for the re-establishment of a wattle factory in the Limuru District organized on a growers' co-operative basis should be granted by Government; and requests the Limuru District Association to take the matter up immediately with Government

and to form a sub-committee of wattle growers to investigate the details of the proposed factory".

I have lost my last notes, Sir, and so I am going to sit down! (Laughter.)

MR. PRITAM: Mr. President, I fully associate myself with the views which have been advanced by previous Indian speakers in respect of education, Controls, and the Asian Civil Service conditions. I would say something about matters which pertain to my own constituency.

We were promised a long time ago, perhaps in 1945, a school building at Nakuru, but although the money has been voted practically year after year that school has not been started, and I should like to know the reasons why. At the same time I now understand that the original plans for which £36,800 was provided, have now been altered because building costs have gone up. On making an investigation into the matter, I am told that certain Indian building contractors are quite willing to undertake the work absolutely according to the original plan if they are given the opportunity. It is a mystery to members on this side of Council how the Public Works Department work their bills of quantity and so on.

Regarding the school accommodation generally, the system of dual sessions which has been in force is no solution, and the time has come when something should be done in the matter. I have every year urged that more money should be provided for hostels for Indian boys and I get the answer from the hon. Financial Secretary that there was no money. This answer was being given at a time when such facilities were not only being maintained but expanded for European boys, and I should like to know why, in the case of the Indians, there is no money.

It took something like two years for Government to appoint a committee to look into the expenditure on the education of Europeans and Asians, and it will take another two years before the end is reached. Meantime the education of the Indians suffers. At various places Indians have by their own expense built schools and maintained them, and Government should take over some of those schools because it is difficult for

(Mr. Pritam) small communities to maintain them. There are Indian schools, for instance, at Kakamega and Kericho, and the time has come when Government should do something to relieve the Indians there of a very heavy burden.

The Indian Advisory Council on Education demanded specific service terms for Indian teachers two years ago, and Government has taken no notice of it as yet. We were told something would come, but certain teachers have reached the maximum of their salary and cannot be given anything further. On the other hand, in similar cases Europeans have been granted responsibility allowance. I really wonder why such allowance cannot be extended to Indians when they discharge the same responsible tasks.

I come to the Medical Department. Although we have got a very sympathetic Director of Medical Services, unfortunately our hopes that there would be some improvements in the hospitals have not been realized yet, and we find ourselves sadly mistaken that something would be done. It is time that something was done when money can be found for every conceivable purpose. Why not therefore include hospital facilities for Indians? I raised the question of the removal of the Infectious diseases hospital at Kisumu recently. It is situated right in the centre of the town and has proved a menace to the general health. If that hospital cannot be moved from its present site, I think Government should make an effort to build one elsewhere, but Government would be well advised to remove it, as the site is very valuable and would fetch a very good price if the land was sold to-day.

There are four or five miles of the road from Kibot to Kisumu which are generally out of repair, and in the last long rains the road was damaged very seriously. I trust that the Director of Public Works will do something to put this road into better condition.

Some three years ago we were promised that 2,000 acres of land were likely to be detached from the quarantine at Kibigori and were told that it was being earmarked for settlers in that area and for boys returning from Morogoro after qualifying in agriculture. Now we understand that the land is not to be

detached. I should like an official assurance from Government as to what they intend to do. We understand that it is to be taken over by the Meat Marketing Board about which we have heard so much this morning.

Coming to Rent Control. Government has provided £2,200 for this control. It is not easy to get the control off, and when we have asked questions the replies have been evasive as is characteristic of Government. This morning I asked in my question about the Sh. 100 per room of fourteen by twelve feet per month. It should be in the recollection of this Council that the hon. Member for Kiambu brought the matter to the attention of the Council some twelve months ago, and since then things have deteriorated. A clerk on a salary of Sh. 300 a month has to pay Sh. 100 a month for such a room and also one year's rent in advance. This is in addition to giving a premium. It is all very well for Government to say they do not acquiesce in this allegation; they are far from knowing the facts of the case.

I asked another question about the difference in costs of maintenance and repairs between 1939 and 1947. It is a well known fact that the cost of repairs is not the same as it was in 1939. What did I get as a reply? That Government does not intend to do anything "because we want to keep rents down", and that as to allowing the landlords to recover the difference from tenants in the way of increased rent, that is being referred to the appropriate authority for consideration, which means doing nothing.

There is another organization known as the Building Control. When people apply from up-country for building permits they get the stereotyped reply that materials are not available and that they should apply after six months. But there is a mysterious organization existing in this town for people to get permits. I also want to say a word about other controls. We have got two. Produce and Maize Controls, and there seems to be no good reason why the Produce should not be merged into the Maize, thereby saving in man power and money. Of course, we have the money and we can well afford extravagance. But the man power we have not got. Maize Control I understand will remain being

(Mr. Pritam) for some time, and the time has come when it should be treated as an ordinary Government department so that we can have some check over its activities. Government department from this department is expected from this department this year, and we have no check over the expenditure. The time has come when this control should be treated in the same way as any other Government department so that we have some check over its activities which is not the case at present.

I come to rice and ghee. Throughout 1947 we have been told that no rice is available and therefore the Indian children only were allowed 2 lb. per month, but if every Indian were asked and he gave an honest answer, he would tell you that he never went without rice, although he had to buy it from the black market. If there is no rice in the country, where does it come from? In the quiet of the nights lorry loads of rice and ghee come from all over the country and there is no one to check them, and if they can do it then it can be brought in officially. Officially there is no ghee, but unofficially you pay £7 10s. for a tin of ghee and you get any quantity. Is that control? Is that the way the control should be run? I should say that some big gentlemen must be in this racket. If you go to Uganda they can supply it any time, but the Control thinks itself infallible and will not take advice. If they are asked about the supply, they say it will adjust itself in time.

I come to edible oil. Why is it issued to us only when it is at least four months in the store and thereby has become unsuitable for consumption? We are given all sorts of poisons in the shape of ghee which might be used for lubricating oil. The trouble is that when we are told there is no edible oil in the country, Uganda Government is busy exporting 3,500 tons of groundnuts. Are we not entitled to consideration? We have suffered long enough, and yet year after year we are given all sorts of things through this Control and are told that if we do not want it we can go without or go to the black market. Those who can afford to do so are all right, but what about those who have not enough money? The time has come when Government should take notice of the existence of these things. We could write

to friends in Uganda and say we want a bag of rice or some ghee, but the trouble is that inter-territorial movement is not allowed. I think this is peculiar, and is one reason for the black market being maintained. If to-day there was free movement, I think there would be plenty of good rice; we could get any amount if there was free inter-territorial movement. It is rotting in Uganda with no market, and when we apply to the Produce Controller he says no, it is against the law, so what can you do? If that is control, God save us from it. (Laughter.)

As far as the housing shortage is concerned it is all over the country. There are pressing demands for residential plots from Kakamega, Kisumu, Nakuru, Eldoret and Kericho, and when I make representations to the Commissioner for Lands his favourite reply is that he has not the staff, he has not the surveyors. You cannot get Europeans and you will not employ Indians, and thus there is no staff at all, and we have to put up with it. I would urge on Council the desirability of doing something to relieve this housing shortage.

I come to the issue of arms licences. Hitherto there never has been any trouble in the issue of shot gun licences, but for some time past we cannot get even these licences. It would be all very well to refuse to issue licences to people of doubtful character, but my opinion is that people who are law abiding and respectable are being refused also. I should like to know how Government makes its investigations before turning cases down applications. In some cases nondescript names have been granted licences whereas responsible people have not, and we want to know why they are being refused. Crime in Nairobi and up-country and everywhere I do not think needs any description, and especially in Eastleigh a wave of crime has taken place among the Indians living in that area, being caused by Africans alone, for they are organized that unless there is a brain behind it, it could not be organized by Africans alone. They have stolen clothing, jewellery and so on—where does it all go? Every day it happens, yet nobody finds where it goes. I think there is a receiving body, and the time has come when we should take serious notice of it. I should personally

[Mr. Priftam]

say that some police officials have been in league with them. I know of some. They are worse criminals than ordinary citizens, and it is time they were asked to quit and not allowed to stay in the police. I know there are establishments specializing in receiving stolen property, and the police do not know it. I could point out such places. I know of opium being sold openly, and the police do not, but it is not my job to take the police there—

MR. RANKINE: On a point of order, the hon. member appears to be making very serious allegations, and I think he ought to be called on to substantiate them or withdraw them.

MR. PRIFTAM: It is the third time I have made them, and there is nothing new in it. The hon. Chief Secretary is now here, but if it is desired I am quite prepared to withdraw the statement and help to show where these things are existing. I am quite prepared to do it.

MR. RANKINE: If I heard the hon. member correctly, he said that the police were criminals.

THE PRESIDENT: The hon. member should not make on the floor of Council and really cannot make a charge that police officers are criminals. I take it that it is not so?

MR. PRIFTAM: No.

THE PRESIDENT: You do not make that charge?

MR. PRIFTAM: Finally, things so serious need to be very carefully looked into, not by officials only, but by unofficials. So that something is done, and this organized crime eliminated once and for all.

I come to immigration. Although a new law will be in force before long, in the meantime there are cases of people who have served the Uganda Railway and this Government for twenty and twenty-five years, and soon after they received their discharge they went to India. In several cases their sons are here. They want to come back, and in my respectful submission all these people acquired domicile rights. I see no reason why they should not be allowed to return, but unfortunately while the immigration officer is quite sympathetic the Director of Man Power refuses. It is a matter that Government should look into.

I should like to know something about the Industrial Management Board. I spoke about this matter in 1945, when I was given to understand that within two years Government would decide what to do with it. The two years are now up, and I should like to know from Government what they intend to do.

Page 88, Head 17, Items 179 and 180, £450 and £350 respectively for the maintenance of Taveta irrigation scheme.

THE PRESIDENT: I think I must ask the hon. member to try and limit his remarks to the broad general question which is raised by this motion and not the details, which can afterwards be more adequately dealt with in committee.

MR. PRIFTAM: I have specified an item of expenditure and I think I have every right to speak on it, but I will accept your ruling, and if you do not wish me to speak I will just say that I would like to have some explanation about this money, what it is for.

Page 96, Head 19, Item 11, £10,000 for construction of head works and canal, Taveta. I thought we had done with Taveta and Ziwani, but it appears year after year. I should like to know what these amounts are for, and what revenue Government derived from these undertakings.

With those words I support the motion.

MAJOR JOYCE (Ukamba): Mr. President, before I go on to the principles in this budget I should like to say that in future years the figures in this book could be presented in some form that might be more intelligible to the ordinary person. I refer more particularly to those services which derive a certain amount of revenue; for instance, Information, Medical services, Agriculture, Veterinary, Game Department. Those are a few. I think it would help us all a great deal if in some way appropriate the ordinary person who has to read the draft estimates could see at a glance the net cost of these major services. (Hear, hear.) It is exceedingly difficult, as I think we all know, to find out exactly what the net figure is. You have got to go through a matter of 200 pages, and probably not then find it.

I should like in that connexion to refer to the cost of civil aviation in this

[Major Joyce]

country. It takes a great deal of hunting out in this book. I was under the impression that by the East African Orders in Council (Air Transport) which were passed in October, 1945, that the East African Airways Corporation was under an obligation to produce its annual accounts and annual report, to submit these to the Air Authority, and when they had done so these should be laid on the table of this Council. It is now November, 1947, and the accounts for 1946 have not yet been made available to the public. I asked a question on this subject of Government a month or more ago, and got the answer that these figures would be made available as soon as they had been submitted to the Air Authority but, as I say, they have not yet been made available. All I can say is that I hope, when civil aviation comes under the purview of the Central Assembly, there will be better control of public money spent in this direction than there is now.

Even now the figures are somewhat confusing, and I will give them, though it is a matter of detail. But, having spent some time in hunting these figures, I should like to make them available to this Council. Page 51, £6,544—that includes a matter of £5,000 on the maintenance of landing grounds; there is a straight subsidy to the E.A.A.C. of £10,000; there is the cost of civil aviation headquarters of something more than £10,000; there is an item called "Flying Control", £2,000, and finally, a very large item of £12,000, on page 169. If anybody wants to look it up, for airfield guards—I do not know what that refers to, but perhaps somebody will tell us. That comes to £41,000, and though I have not been able to find it and it may be here I recollect that in the budget for last year there was another figure of £20,000 representing a reduction of taxation on petrol used in civil aviation. That may be here or not. At any rate, the whole is a rather large sum, and I only bring it up as a matter of principle that I think we ought to be informed and given better information, and more prompt information, about these matters than we have been getting in the past. (Hear, hear.)

Now I should just like to touch on the possibilities of saving some expenditure

of Government in this country. There are two directions in which I think some saving could be achieved. I refer generally to the social services, more particularly education, and medical services. Perhaps you would hardly call it a saving, because my suggestion is this. We are having for these services to make some increased contribution. We have had laid on the table this morning:—I have not had time to read it—a brief report on the financing of African medical services. I do not propose to go further into that now, because I presume that will be done by the committee at a later stage, but as a matter of principle I do not think this country can stand the continued increased stepping up of recurrent expenditure on these social services. Last year both these services went up by approximately £50,000 each, and this year the increase is £75,000.

There is a second direction in which I believe savings can be effected—if not immediately, then over a longer term—and that is in the Administration. The figures are alarmingly high, as we all know. They are roughly, in round figures, something under half a million pounds, to which has been added a reserve of £100,000 this year to cover possible recommendations of the Salaries Commission, added to which, to my great alarm, this morning the hon. Financial Secretary has said that we must make allowances for a very great increase in the cost of living—a matter of another £120,000 to £150,000. These are very alarming figures and, whereas I am not one of those who consider that the Civil Service of this country is now adequately paid, because country is now adequately paid—that is too many of the more highly paid ones—and I believe sincerely that we must make an effort over the next few years to reorganize the various Government departments, to increase the clerical staff where necessary—preferably with African clerks, and to relieve the highly paid officers of the mass of correspondence and petty duties they are now doing and allow them to do the jobs for which they have been trained and paid. I myself have seen highly efficient technical officers swamped in their offices for three weeks out of the four of the month, filling in returns and doing paper work,

[Major Joyce]

much of which could have been done by efficient African clerks.

I will touch now, very briefly, on the question of roads, because this matter of the roads and social services leads one to the possibility of increased taxation, which is, may be, not a very desirable thing to recommend, but I will touch on that later. I am quite aware that there is a committee either sitting, or about to sit, to go into the whole question of a road fund and a road authority, but one cannot stress too often the deplorable state of some of the roads of this country and the extraordinarily high cost of maintenance of motor cars and lorries, and it is my definite opinion, having talked to a number of people in my constituency about it, that they would willingly submit to some increased taxation, if that taxation were earmarked for efficient work on the roads.

To go back for a minute to the possibilities of increased taxation for social services, I should like to refer to the Plewman Committee Report wherein they definitely suggest that, if increased taxation is necessary, possible sources might be increased excise on tobacco, tea, sugar and, I think, beer. Let us take the two items, sugar and tea. Ten cents per lb excise on tea produces a sum of, I think, about £40,000, and five cents excise on sugar produces about £150,000. Well, these two figures together come to about £200,000. It is true they would be largely paid by the African, as, of course, he consumes more of these things than anybody else, but I think I am right in saying that the hon. Member Mr. Mathu agrees with me that these two commodities are, to some extent at any rate, luxuries, and I do not believe that the additional excise I suggest would in any way be a hardship on Africans or anybody else in this country, more particularly if some of the increased revenue derived from these commodities were earmarked for social services for Africans, which I think they might well be.

On this question of roads, I should like to say that as far as I have been able to ascertain from people in my constituency, they would support now—not next year or the year after—in this budget considerably increased licence fees for heavy

motor vehicles, which, as we have been told time after time, *ad nauseam*, are the things that ruin our roads. I think that might be considered by the committee.

The question of housing has been mentioned by one or two members, and all I should like to say is this, that although there have been recommendations for reduced standards, I do not think the reduction goes far enough. The shortage of housing is one of the most serious things in this country. It applies to the civil servant, it applies to the ordinary city servant, it applies to this, is faced, not people, and unless this is faced, not necessarily on a long term basis, but as necessarily on a long term basis, we will get into very serious difficulties. My short five-year problem, I think we will get into very serious difficulties. My suggestion is that even *plafé* may be a rather unnecessarily high standard for housing. I suggest sun-dried bricks. I go even further—I suggest wattle and daub. It is possible to make a liveable, decent, clean house from wattle and daub that will last seven, eight, or nine years, with a thatched roof, and if I were a civil servant or somebody coming to live in Nairobi I would rather live in a decent-sized house of that nature than have to pay the high rates one has to at hotels and other places, if indeed you can get accommodation at all.

Moreover, I should much prefer to live in that type of house than in the concrete pill-boxes, with a large number of minute rooms where you knock your elbows every time you turn round, which seem to be the standard sometimes employed by the Public Works Department. I shall be told that the municipal by-laws will not permit of the building of houses of such a temporary nature anywhere in municipalities such as Nairobi and Mombasa. We must get over these difficulties, it is my answer to that. There is Government land near these large townships still available, I believe, and plots should be set aside for houses of this standard, and in those areas houses of a temporary nature, with thatched roofs, if necessary, should be allowed for a period of seven or eight years to help over the time of difficulty.

A note on game parks. I am merely going to support most strongly the remarks of my hon. friend the Member for the Coast. As a trustee for national parks, I believe that this interminable delay cannot be tolerated, and the time

[Major Joyce]

will come, I am absolutely convinced, when those in this country will be very glad that certain of these areas have been reserved as national parks. National parks I think we should call them, and not game parks. (Hear, hear.) We must have a decision, and an early decision, about this Tsavo Park.

Mention has been made of the possibility of a Member for Industry and Commerce. I should like to put it in that order and put the emphasis on industry, but without having studied the thing closely, or without having discussed it to any extent with my colleagues, I support the idea in principle. Unless we can step up local industries in this country, there is little prospect of our being able to relieve pressure on the land, and if only for that reason I give the idea my support.

Food subsidies. I think on this question of food subsidies we are on rather dangerous ground, more especially those of us who are not trained economists. I do support the hon. Member for Nairobi South in his request for an investigation into this problem, but I should like to make it quite clear that I view the possibility of subsidizing even essential foodstuffs in this country with considerable alarm. I am quite ready to be persuaded otherwise, but I believe it will lead us into a terrible mess.

Technical education. I should like to support the plea of the hon. Member Mr. Mathu for increased technical education for the African. I am not prepared to say here and now what is the best way of doing that, but there is no shadow of doubt that this country cannot advance in the way that it should do until we have a greatly increased number of Africans of the artisan class who can do an efficient job of work.

Finally, I am coming to this question of direction of labour. I should like, if I may, to congratulate the hon. Commissioner for Labour on his approach to this subject. I myself was not aware that there was that degree of scientific approach to the whole subject which apparently there is in his department. I have always thought that this country is rather behind-hand by comparison with adjacent African territories, more particularly the Belgian Congo, in its approach to

the major social problem of African labour, but I am beginning to think that I may have been wrong in that.

The question of the direction of labour is one that requires a very great deal of thought and consideration, whether it is in this country or whether it is in England, for I do feel that it is the beginning of the emergence of a totalitarian regime if persisted in indefinitely. On the other hand I would not oppose it—in fact, I think it may well be necessary for a definite period which I think should terminate automatically at the end of 1948, and be renewed, if necessary, but for a definite period like that I think we certainly must consider the possibility of the direction of labour in the interests of dollar-producing commodities. I think there is a good deal of danger on this subject of giving the impression at home, or wherever it may be, that we are pressing for compulsory labour in this, that, or the other form, and I should like to say most clearly that that is not my intention in making this suggestion. (Hear, hear.) The whole point is that it will help us over this time of crisis, and how that should be worked out is not a matter obviously we can discuss now. It may be by labour organized by Government into groups; it may be by some other way, but of course I will admit that the terms of service of such labourers would have to be strictly controlled and be good terms in every way.

To come back for one moment to what has been achieved in the Belgian Congo, because I happen to have been studying it. They lay down certain principles, and one is that the social economy in the people's lives is disturbed if more than 25 per cent of the male population live for the greater part of the year away from their families. I have no doubt the hon. Labour Commissioner is well aware of that and could tell us what the position is in this country. But that approach to the labour problem in that country is a very realistic one, and they have achieved by their approach very much longer contracts. They have reduced the turnover of labour, which in some cases was up as much as 89 and 90 per cent, to about 10 to 15 per cent. They have been able to maintain family life by insisting where possible that the African should come out with

[Major Joyce] his family. It is not always possible, but where possible. They have looked after his diet and all that sort of thing, and in addition to zoning the labour, or as part of that problem: they have allowed the African, which I think is important, the greatest possible freedom of choice in his particular zone as to what employer he should go to.

The general result is protection for both employer and employee and, not only that, but a very great increase in the output of work and in the content of all concerned.

If I have three or four minutes left before the gong goes, I would like to refer back for one moment to this question of Administration and read a few extracts from an eminent authority on the whole subject of administration, which I hope will be taken to heart by all members of this Council: "There is an almost pathetic belief to-day in the inherent virtues of boards, joint councils, and committees, and hardly ever a warning that an administrative machine may be slowed down or stopped by its own weight. . . . One simple rule of administration can be ignored only at peril: Big Bodies Move Slow. A swollen civil service, a big Government department, or a large industrial combine must suffer from immobility." I do not think that always applies to the large, efficient industrial combines. (Laughter.) "With increase in size there are more people to be consulted before a decision is reached, more chances of time-consuming conflicts of opinion, more inescapable paper-work, more opportunities of evading responsibility by passing things up. The ultimate responsible head comes to know less and less about more and more. The units in the hierarchy steadily fanning out beneath him come to know more and more about less and less. Co-ordination weakens and the more elaborate the organization the greater the confusion ensuing. Of all the factors limiting the improvement of social efficiency the comparative scarcity of first-class administrative skill is probably the most immediate."

I think we ought to remember some of these things, and to remember also that we do run a grave risk of increasing bureaucracy in this and similar countries.

We must keep to some extent our freedom, and, if I may say so, I believe that what we want is a small civil service, highly paid, highly efficient and, to go back to what I mentioned before, they should have every possible assistance, which they have not had in the past, with reorganizing their offices, and more clerical staff and less direction towards paper work from the Secretariat.

I support the motion.

DIRECTOR OF PUBLIC WORKS (Mr. Boyd): Mr. President, I was glad to hear the hon. Member for Nairobi South make the statement that even the Kenya Government could not be expected to be responsible for the general rise of world market prices. I mention this because it given sum of money as before the war, this fact must always be borne in mind at the present time when discussing or dealing with estimates, and, consequently, the cost of the various projects due to be undertaken by this Government is essentially governed by that factor. It will be realized by all hon. members that, at the present time, it is only possible to do about half as much work with any given sum of money as before the war. This means that I, in the main, have the unpleasant duty of informing the various committees and boards to which the hon. Member for Ukamba has just referred, who deals with these matters, that it is not the least bit of use expecting to undertake certain projects to a certain standard for the sum of money previously allocated.

What it amounts to is that, with the present fluctuating state of world markets and the general rise in wages, both skilled and unskilled, it is almost impossible to give even an approximate estimate at the present time of what any given project is going to cost. I have had instances recently of quotations for materials from the United Kingdom that are actually double the price of the same materials which I have in my central stores in Nairobi and which only arrived from the United Kingdom earlier this year. That will give hon. members some idea of how impossible it is to estimate at the present time if that state of affairs can come about.

Dealing with specific points raised by hon. members who have already spoken, the hon. member Mr. Thakore, speaking

[Mr. Boyd] of the Building Control, suggested that there were certain people who were getting away with building without permits. Well I suggest that if the hon. member knows of instances such as this it is up to him to inform the authorities concerned.

MR. THAKORE: On a point of explanation, I did not say without permits.

THE PRESIDENT: The hon. member who is in possession of the floor has not given way, so that you cannot really make your explanation until he has concluded his speech.

MR. BOYD: I would mention that it is not the policy of the Building Control to restrict the building of houses or of any essential buildings in its priority list, but the Building Control does restrict the erection of palatial mansions or houses which are unnecessarily large. One of the biggest difficulties with which the control is faced is the fact that a permit may be issued for the specific purpose of a residence, and during the course of its building it may be changed to some other form of construction such as a shop or similar type of building which has no priority at the present time. That is a difficulty one is continually up against, and steps are now being taken to prevent that happening.

The criterion, I would say, of the Building Control committee, as an essentiality, I consider that the removal of the control at the present time would encourage the black market and would give the artisan class an additional lever for demanding higher wages. The object of building control should be to encourage productive building, that is to say, the main dollar earning buildings in connexion with tourist traffic.

The hon. Member for the Coast referred to the lamentable lack of progress. I think he called it, regarding roads. I regret to say that in many instances he is only too right. But I would like to say that I agree with him in that this is largely due to lack of plant, and the recent economic or dollar crisis at home has accentuated that position, inasmuch as the only country which produces tractors of a satisfactory type for use in road making in the United States. In consequence, the difficulty of

obtaining tractors is the one main factor which mitigates against any rapidity in getting the programme of work done. I agree that, in these circumstances, roads connected with tourist traffic such as the Thika-Njabini road might very well be undertaken, and quite possibly a great deal of plant would not be necessary, but I suggest to the hon. member that if he took the matter up with the Central Roads and Traffic Board possibly he would get a decision.

He went on to refer to the fact that certain staff, according to the D.A.R.A. report, had arrived, and I can assure him that good use is being made of that staff. A good many have arrived already and are being trained in local conditions and are making up for a very serious lack in the past of staff such as foremen and inspectors of works. He will appreciate, I am sure, that any technical officer, no matter how well trained as an engineer or as a foreman or inspector of works he may be, must of necessity gain knowledge of the local conditions of the country before he is of any great use in the actual profession for which he has been trained.

He specifically mentioned the Dagoretti Corner-Encarpment section of the Nairobi-Nakuru road, and nobody could be more disappointed than I am at the rate of progress on that particular road. The matter at the present time is under investigation by an independent engineer with a view to a complete measurement being made and a report being obtained on the whole circumstances which have mitigated against the completion of the road up to the present time. The hon. member will, I think, appreciate the fact that the enforcement of penalty clauses is not always the solution to difficulties, particularly in a construction of this kind.

The hon. Member for Mombasa mentioned the lack of housing at the coast and Mombasa in particular, and all I can say in answer to that is that a hotel has recently been designed and I understand a suitable site has now been found for it and we hope to commence work for it in the very near future. That hotel, I think I am right in saying, without having had an opportunity of seeing the plans, is to house 12 bachelors.

He also mentioned the question of prefabricated houses for Mombasa is

[Mr. Boyd]

particular, and I should like to point out that the question of prefabricated houses must be considered in the light of a much wider issue than a few houses in one specific locality. What I mean to say is that the manufacture of prefabricated housing is essentially a factory operation and, unless one is in a position to produce prefabricated houses on a mass-production basis and can get them to the sites with the greatest ease of transportation and so forth, they are very seldom economic, although I agree that from the point of view of speed they do solve a problem. In fact, in one or two instances already we have endeavoured to promote the manufacture of prefabricated houses on a small scale. Incidentally, they would not be at all satisfactory for the coast, and I would add that they are an expensive luxury. As I have already said, one cannot reduce the cost to any great extent unless the houses are mass-produced.

The hon. Member for Central Area mentioned the matter of the Indian girls' school, Nairobi. A foundation contract has been let and work is actually in train and the building should be up to plinth level by the end of the year. It is hoped that tenders for the superstructure will be called very early in the New Year.

It is not very often that I receive bouquets, but my hon. friend Dr. Rana saw fit to throw one to me this morning—I am sorry to see he is not here at the moment to thank him for that generous action, as it is so seldom that they come my way, but I think he is genuinely pleased that we have now solved to a certain extent the Rabai-Mariakani-Mazeras water supply problem. He mentioned the question of drawing water, or installing a water supply from the Tavo River to serve Mombasa, and incidentally to supply water to any parts of the intervening country between there and Mombasa. A scheme was worked out in general principle for that some time ago in connexion with Army movements here, but I should like to point out to him that it means 130 miles of piping in order to get from the Tavo River to Mombasa, and over a distance such as that, needless to say, the piping would have to be of a very large size and would not be available for some very considerable time in present circum-

stances. As water is required at Mackinnon Road in the immediate future, the military authorities have actually decided to install the necessary piping to supply their own needs, which, of course, is of a very much smaller size, and I believe they are laying a good number of pipes of this smaller size, which would never solve the problem over a distance so great as the one I have already mentioned.

The hon. Member for Kiambu mentioned the old chestnut or the time-honoured annual—the Limuru A Route. I did have an answer for her, but I have mislaid it. (Laughter.) Oh yes, I have found it! Actually the quarrying of stone for the Limuru A Route has been commenced and has been going on for some time, and, with the agreement of the Central Roads and Traffic Board, which is meeting to-morrow, I hope that a start can be made with actual work in the next month. This is entirely a matter now of actual cost, and a memorandum on the subject has been submitted to the Central Roads and Traffic Board which is due for consideration at to-morrow's meeting. In present circumstances I cannot say more than that.

The speakers have spoken with such rapidity this morning that it is rather necessary for me to chase round and find out who spoke next and what they said. Oh yes, the hon. member Mr. Pritam referred—I could not hear very clearly—to, I think, the Nakuru Indian school, and said something related to the delay in connexion with plans as produced by the Public Works Department. I am sure he would be pleased to know that a private architect has been employed for this school. We have submitted all the plans to contractors in Nakuru with a view to ascertaining whether they are prepared to build the school to a satisfactory standard within the sum of money which is provided. It will be, I might say, of considerable interest if we get a reply that they are prepared to do this, because, judging by their prices for other contracts for which they have tendered, there is not much likelihood of this.

He also spoke of a very favourite topic—that is the Kiurumu-Kibos road. Since he spoke to me this morning I have been in contact with the Road Engineer who tells me that that particu-

[Mr. Boyd]

lar piece of road is very good at the moment, because he drove over it himself last week. (Laughter.) We are pushing ahead with work on the Kibos-Kibigori road as well.

I think, if I heard him aright, that he also referred to the Building Control and made some such statement that, if you could produce the odd bakhsheeh, to the tune of something in the neighbourhood of £25, you could obtain any permit you wish. I would strongly deprecate you wish a remark such as that in this Council, and in support of the Building Control Committee I would say that anything of that nature is absolutely untrue. The applications to which he refers and which have been turned down are probably for non-essential buildings, and this is the reason why they have not been granted.

Coming to the last speaker, the hon. Member for Ukamba, I think I must leave the question of civil aviation for some other member on this side of Council to answer because I am not absolutely clear as to the point which he has raised. In any event, I have no knowledge of aerodrome grading. On the maintenance side, that figure is on very similar lines to that which has always been allowed for the maintenance of civil aerodromes in the country.

Referring to roads, he mentioned the question of the Road Committee, or rather the committee sitting at the present time to discuss the question of a road authority and a road fund, and I think I have the permission of the chairman of that committee to say that we have advanced to a certain degree in that we have already agreed to recommend that there should be a road authority, and we are endeavouring to find how the necessary funds to run that authority can be raised at the present time. I was glad to hear him support what I have heard from various other members on the other side of Council, that increased taxation for use on roads would be accepted by the public. I think the committee will realize that, in order to achieve better roads and better maintenance, extra taxation of some form will have to be raised.

He also mentioned increased licences for heavy vehicles. I am pleased to be able to tell him that I have

already discussed this subject with my hon. friend the Commissioner for Inland Revenue and the hon. Member for Nairobi South. This was acting on instructions from that same committee, and I am hopeful of being able to give the committee some idea at the next meeting of a scale for heavy vehicle licensing which would be appropriate in the circumstances. We are also endeavouring to obtain the latest information from the United Kingdom on the same subject.

Regarding the question of a cheaper form of housing, I would first of all say that certain relaxation has been granted in building by-laws within municipalities for the building of houses, not necessarily in stone, brick or concrete, or one of the accepted forms of construction, and that the question of building pisé-terre houses on a suitable site in the proximity of Nairobi is being actively pursued at the present time. But I would point out that it is essential, from an economic point of view, that the first consideration in building either in pisé-terre or wattle and daub is the availability of the materials on the actual site, and that in a number of places in the vicinity of Nairobi we are faced with the fact that the level and easy sites which to build are actually black cotton, which does not tend to improve the conditions for building in that form of construction. Admittedly, materials can be transported from another point, but that materially raises the cost and it is very doubtful whether the building would then be economic.

I think I have pretty well dealt with the matters which have been raised in the speeches yesterday and to-day. I would merely like to end by saying that I would stress the necessity of providing additional skilled workmen or artisans in this country if we are ever to keep the cost of building within reasonable bounds and to curtail this ever-increasing tendency for a rise in wages.

I beg to support. (Applause.)

The debate was adjourned.

ADJOURNMENT

Council rose at 12.55 p.m. and adjourned till 9 a.m. on Wednesday, 26th November, 1947.

Wednesday, 26th November, 1947

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 26th November, 1947.

The President (Hon. W. K. Horne) took the chair at 9.05 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 25th November, 1947, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By THE HON. GENERAL MANAGER, K.U.R.H. (Sir R. E. Robins):
Second Supplementary Estimates, 1946, First Supplementary Estimates, 1947, Estimates of Revenue and Expenditure for 1948, K.U.R.H.

By MR. HOBSON:

Select Committee report on the Employment of Servants (Amendment) Bill, the Native Registration (Amendment) Bill, the Registration of Persons Bill, and the Domestic Employment (Certificate of Registration) Bill.

NOTICE

The following notice of motion was given by Mr. Hobson: That the Select Committee report on the Employment of Servants (Amendment) Bill, the Native Registration (Amendment) Bill, the Registration of Persons Bill, and the Domestic Employment (Certificate of Registration) Bill be adopted.

PENSIONS (INCREASE) — ORDINANCE, 1945

CONTINUATION IN FORCE

MR. THROUGHTON: Mr. President, I beg to move: Be it resolved, that this Council approves the provisions of the Pensions (Increase) Ordinance, 1945, being continued in force until the 31st day of December, 1948.

This ordinance, which expires automatically at the end of the year unless renewed by resolution, provides for temporary increases in pensions on account of the increased cost of living. There can be no serious question of the ordinance being allowed to lapse in present circumstances.

MR. FOSTER SUTTON seconded.

The question was put and carried.

TEA ORDINANCE, 1934

CONTINUATION IN FORCE

DIRECTOR OF AGRICULTURE (Mr. Blunt): Mr. President, I beg to move: Be it resolved, that this Council approves the provisions of the Tea Ordinance, 1934, being continued in force until the 31st day of March, 1949.

Members will recollect that in July last we amended the Tea Ordinance and deleted the limitation of the acreage which might be planted and that the life of the ordinance was set to terminate on the 31st March next. The reason for that was that it was hoped it would be possible to substitute the ordinance by a new ordinance by that time. That does not now appear likely to be possible and it is desired that the ordinance as it now stands should remain in force until it can be substituted by a new ordinance at a later stage. Therefore it is proposed that its life be extended to 31st March, 1949.

MR. FOSTER SUTTON seconded.

MR. EDYE (Nyanza): Mr. President, I should like to ask the hon. member for a short detail of what restrictions are embodied in that ordinance in regard to tea planting?

MR. BLUNT: Mr. President, I would refer the hon. member to Ordinance No. 46 of 1939. (Mr. Edye: I have not a copy; that is why I asked the question.)

It is hardly necessary for me to go through it in detail, but what it amounts to in short is that new plantings of tea are not permissible except under a licence obtained from the Agriculture Department. In examining an application we look at it from three points of view. Firstly, that the land on which it is proposed to plant tea and the climate should be suitable for planting; secondly, that the applicant's resources appear to be sufficient to enable him to carry the thing through to a successful conclusion and to arrange for treatment in the factory; thirdly, in the case of smaller acreages that there is a possibility of a sufficient amount of tea being planted in a group to make a factory worth while to treat the tea of that particular group. Provided those conditions are fulfilled, there is no restriction on the acreage that I am prepared to licence.

The question was put and carried.

RULES OF DEBATE

On the motion for the resumption of the debate on the Draft Estimates being called from the Chair,

MR. COOKE: Mr. President, before the debate is resumed I rise to ask for your guidance on a point of procedure.

Yesterday, when the hon. Chief Secretary got up to a point of order, you permitted him to make that interruption while the hon. Member for the Western Area was still on his feet. Later on, when the hon. Member for the Central Area (Mr. Thakore) rose to make a very important point of explanation, you quite rightly prevented him from doing so because the hon. Director of Public Works was still on his feet. My impression was that the Director was prepared to give way, but did not realise that he should sit down in order that the hon. gentleman should make his explanation. Another thing I have noticed from time to time is that when you call a member to order, that member does not resume his seat at once.

I thought that perhaps, before the debate was resumed, it might be a good thing to have a clear guidance as to procedure in the future.

THE PRESIDENT: I think the matter is governed by Standing Rule and Order No. 44 (2), which is in these terms: "Upon a matter of order suddenly arising any member may speak if he does so immediately and begins by a statement that he rises to a point of order. The member who was speaking must thereupon resume his seat. So also must the member who rose to a point of order when he has concluded his appeal to the chair."

On the point of explanation, on which there has been considerable discussion in the past, it is a question of courtesy. If the member who is speaking does not choose to give way, the point of order cannot be pursued, because there is the basic rule that the member who is speaking has possession of the floor and is not to be interrupted except on a point of order.

MR. COOKE: My point was, with great respect, that the hon. Member for the Western Area did not resume his seat when the hon. Chief Secretary raised a point of order.

THE PRESIDENT: He should have done. I took it that he had done so. (Laughter.)

MR. COOKE: The second thing is, I do not think members here are aware that in the House of Commons 99 members out of a hundred give way. I do not think they are aware of the rule, and I think that is the reason why the hon. Director of Public Works did not give way yesterday. I am sure there was no discourtesy towards the hon. Member for the Central Area who wanted to make a very important explanation, he would have given way had he known the procedure.

THE PRESIDENT: That is a matter for him.

MR. COOKE: It should be made plain.

THE PRESIDENT: It is quite plain. It is a question of courtesy. The usual practice is that if a member rises on a point of explanation the member speaking does give way, but it is specifically listed in Sir Erskine May's Parliamentary Practice that it is not bound to do so.

MR. COOKE: I wanted that point made clear.

MR. COOKE: Mr. President, may I inquire for future guidance if a point of explanation can be given during the speech of the member who is speaking, because I have noticed in the past many cases when I got up to speak that I was asked not to until such time as the member speaking had finished.

THE PRESIDENT: That is what I have already said, or tried to. If I did not make it clear, it must be my fault, but that is what in effect I have already said. It is a matter of courtesy whether the member speaking gives way or not.

MR. COOKE: By a point of order, your ruling now cuts directly across the ruling given by Sir Philip Mitchell six months ago, but that is outside the point. (Laughter.)

THE PRESIDENT: I have read that with great care, and I think there is a good deal to be said this way. You can have a point of explanation—it must be understood what we are talking about, that a point of explanation is a point of explanation. That is to say, that there has been some gross misstatement made or some gross misunderstanding by the member who is in possession of the floor on what some member has already said in the course of

(The President)

the debate. It does not mean an opportunity for an interjection or an interruption outside the rules.

Mr. Boyd: I should like to take the opportunity of saying that there was no sort of discourtesy intended when I did not give way yesterday. I understood that on a point of explanation I was not expected to give way.

DRAFT ESTIMATES, 1948

REFERENCE TO COMMITTEE OF COUNCIL

The debate was resumed

Dr. MacLennan: Mr. President, the general trend of the debate as far as the Medical Department is concerned has been centred more or less on the annual increase in the recurrent expenditure, and I am going to deal with some aspects of that in a few minutes. But before doing so I shall endeavour to answer some of the questions that have been raised by hon. members in respect of my departmental estimates.

The hon. Members for Nairobi South, Nairobi North, and the Coast, and I think one or two other members, referred to the question of the charges for laboratory fees, drugs and dressings, and lack of accommodation in European hospitals. These are matters for the Hospital Authority, and I have no doubt the hon. Member for Health, who is chairman of that Authority, will answer these questions in due course in his own inimitable way. But there is one aspect to which I want to refer, which might be lost sight of, and that is that by no means all laboratory examinations are charged. Those laboratory examinations which are necessary to protect public health are not charged for—that is to say, those examinations which should be carried out in the interests of the public. I refer to examinations in respect of infectious diseases, such as the enteric group, the dysentery group, venereal disease, and many other notifiable diseases. Those examinations are carried out free.

The hon. member Mr. Mathu in his reference to medical work in the various district hospitals of the country painted a very gloomy, but very correct, picture, and I can assure hon. members that he has not exaggerated by any means the position of these hospitals. I myself, when I visit district hospitals and see

their work, am concerned to see that in many of them there are two and three patients in a bed. If I retrace with the medical officer and endeavour to try and discharge some of those patients, it is found entirely impossible to send them out; they are unfit to go out and many of them have long distances to go. Further, I have proceeded to the out-patient department of that hospital, where there may be 200 or 300 patients awaiting treatment, and if you stand there for half an hour you can pick out two or three pneumonias who have come probably several miles and for whom there is practically no accommodation in the hospital. I wonder really what one can do under these circumstances? I should like to mention that because possibly some members think the position has been exaggerated. With penicillin and some of the newer drugs I am endeavouring to transfer in-patient treatment as far as possible to out-patient treatment, with a modicum of success, but the main picture still remains the same.

The hon. member also drew some attention to a very important problem of the day—the relationship of the African to the European community, or to the Administration, or to the Government generally. He himself did not mention it, but I think he will agree with what I have to say in respect of my own Department. I have been away from this Colony for a good number of years, but since returning I have had an opportunity of speaking to various members of both the African and European communities, and to members of the district administration, and they have all told me that the work of the Medical Department in relationship with the African has been of great value in restoring, or maintaining, confidence between those two communities. (Hear, hear.) I feel that with the very close work between our medical officers and nursing sisters, and the women and children of the African community—that is the human touch to which the hon. member referred—it would be a great pity if that work were to decline. (Applause.)

The hon. member also referred to the really very fine work the missions have done in this country, and I entirely agree with him. I have been round most of the mission hospitals and have seen the very excellent work they are doing, not only on the purely medical side, but on the educa-

(Dr. MacLennan)

tional and health sides. I regret very much that we have not been able to increase that vote to any extent this year, and I do hope that perhaps during the select committee stage it may be possible to reconsider this question, because I understand from the Christian Council of Kenya that the missions really will not be able to carry on all their activities to the fullest extent. It is quite obvious to anyone who has seen mission activities in this country that if they were to drop out Government would be forced to come in because there are certain areas where no Government medical service is available.

The hon. member Dr. Rana gave a very clear picture of the position regarding hospitals in Mombasa. With regard to the European hospital, I shall leave that to my hon. friend the member to deal with. In respect of the native hospital, I remember 20 years ago when I was medical officer of health in Mombasa seeing the then Director of Medical Services arriving one morning on the train, with a smile on his face, and showing me all the plans for new native and European hospitals in Mombasa. That was 20 years ago, when those hospitals were then condemned, and we are only now preparing plans for new hospitals to-day! (Applause.)

The native hospital has served its purpose, and I am glad to inform the hon. member that in the D.A.R.A. capital estimates for 1948 there is a sum of £20,000 to enable us to make a start on that hospital. In addition, under the Wajji Hirjee bequest, there is a sum of £30,000 for an Indian maternity hospital which will be built on the new site in connection with the building of the new native hospital. I might also refer to the Pandya Memorial Hospital in Mombasa, which has served a very useful purpose among certain members of the Asian community and to which Government contributes a small grant annually.

The hon. member referred to the valuable site on which the existing native hospital in Mombasa is built. I do not know what Government's plans are with regard to that site, but I have heard in various quarters in Mombasa and elsewhere that the value of the site is approximately £40,000, so that there is a fairly good recovery value if Government at any time decided to sell.

The hon. member Dr. Rana, also referred to State medical services. Well, as we all know, many countries these days are developing State services. I do not think that in Kenya at the moment we have got to that stage yet. The various services are developing in a somewhat piecemeal way. I think, however, that a State medical service will be inevitable in this country at some future date, but I think myself that it is a good long way ahead.

As far as the Coast Province is concerned generally, and here I include the Tana River to which His Excellency referred recently in connection with development, I am certain that we shall at some time or other have to extend our services, as the coast has in many respects been somewhat neglected in the past and I feel that something more should be done there.

The hon. Member for Kiambu referred to the valuable work the Medical Department is doing, particularly with regard to women. I do feel myself that the African woman has an important part to play in the future of the Colony, and I have said, and she has said, that one of the best approaches to the African woman is through the work of the Medical Department, with its ante-natal clinics and child welfare clinics, and its propaganda clinics regarding domestic life. After all, it is the home that is the basis of society, and if the home is bad the products of the home are usually bad. I mean we are looking ahead a long way now, but I think we must look ahead, or at least begin to look ahead, and I thank the hon. Member for Kiambu very much for her help in that connection.

Regarding the subject of dispensing fees and out-patient fees, that has been the subject, as hon. members know, of a recent committee's investigations, and the report has been laid on the table. I do not want to initiate a discussion on that at this stage, but I wish to refer to the question of turnstiles, which was quite a new idea to me. The position in Nairobi would be that, if you had a turnstile at the Nairobi dispensary and charged Sh. 1 a day attendance in respect of 800 patients a day—not 300—that is £40 a day; let us say £12,000 a year. If, on the other hand, we extended that system to the whole country, through out the out-patient dispensaries, there are

[Dr. MacLennan] one and a quarter million out-patient attendances in the Government service. That would be somewhere about £60,000 a year. There are a million out-patient attendances in dispensaries. That would be £50,000 a year. That is a total of £110,000 a year, and I believe even the hon. Financial Secretary might think that was worth while collecting. (Laughter.) Of course, there is always one snag that has just dawned on me, and that is I am sure we would never get these turnstiles through the Imports Control. (Laughter.)

The hon. Member for Western Area referred to Asian hospitalizations generally. I have clarified the position in respect of Mombasa. The position in respect of Nairobi is simply this, that under the group hospital scheme the Asian section will be commenced as soon as the second African block has been built, some time next year. Money is available for that under a bequest, and so there is no reason why work should not go on. A new Asian block has been, or is being, built at Nakuru and that will be in operation early next year. In respect of Kisumu, we had at one time hopes that Kisumu might have a complete new hospital, but that has been found out of the question on grounds of expense. However, money is available for a rehabilitation scheme for that hospital, and the question of the infectious diseases section has already been settled. That will be moved some distance outside the town.

Reverting to the estimates, it is very, very difficult for me to give any explanation of this increasing recurrent expenditure, except to say that it is inevitable. Every year, without any additional commitments at all, the budget goes up. I do not want to quote figures in detail, but if you take just a few figures; for instance, normal increments alone are over £5,000. That has to happen. The increase in the cost of living allowances this year amount to £16,700. Another big figure is medical stores, and the whole, including that, is £40,000. I can analyse these figures in the select committee and clearly show that we have no alternative at all. They cannot be cut down, unless we close down in some areas. That is the position, and I am

prepared to go to the select committee and explain in detail those figures.

The fact emerges that, on investigation, every community in this country has become, and is becoming, increasingly hospital-minded. They are all demanding hospital attention, and the same can be said of the out-patient departments and dispensaries where patients queue up all day and every day. If you compare the 1939 and 1946 in-patient figures, you find that in 1939 the European totalled 1,704, in 1945 3,216—practically double. Asian and African in 1939 totalled 51,000, and in 1946 124,000—again double. This year, 1947, we will see another 25 per cent increase, and we have further commitments in 1948. The out-patient and dispensary figures which I have already quoted in 1946 were 1,250,000. Government and over one million local native council. You can imagine what the position is as regards the amount of drugs used, with the rising costs of drugs. The number of beds has also doubled, and we have commitments next year in the group hospital, the Kitale hospital, extensions to Makindu, Limuru, and so on. Again, since the cost of food has increased enormously and as we are feeding daily over 6,000 patients, you can understand the increasing costs in respect of food. Requests are still coming in from all quarters, both from the settled areas and the African areas, for increased services—coitage hospitals and dispensaries in the European settled areas, requests for subsidies for medical practitioners and so on, and I have regretfully to say that to any further requests my answer at the moment is "No". I am very sorry to have to say so, but I cannot consider any further requests as far as the 1948 recurrent estimates are concerned.

The hon. Member for Ukamba raised the question of revenue estimates, and I have jotted down a few figures here in reply. The revenue of the department is not considerable, but it is revenue of sorts. For instance, here are a few of the larger figures: Hospital fees £12,000; infectious diseases hospital £2,700; laboratory fees £8,000; sale of morphine £1,700; medical stores, sales to local native councils £6,000; reimbursement of Kenya and Uganda Railways and Harbours £9,700; etcetera £1,000; making a total of £41,100. There is also

[Dr. MacLennan] reimbursement in respect of the Hospital Authority of £31,000, making a total of £7,000. That is an approximate figure. I would say in connexion with laboratory fees that the Directors of Medical Services of the various territories surrounding us have asked if we can manufacture certain vaccines and lymph for their territories. We have already agreed that we can and, with a very small addition to the staff of the laboratory, very nearly all the vaccines and sera they require can be manufactured at the laboratory, with a very considerable increase in revenue.

During the budget debate last year I referred to a few of the major endemic problems that are important to us in Kenya. I referred to that formidable epidemic of relapsing fever which hit the country very hard some time ago.

I had expected that, with the introduction of that disease among a non-immune population like we have here, we would have had recurrences of that epidemic. No such thing has occurred and no further cases of that disease have been noticed. Mind you, it does require a considerable amount of vigilance in the particular area concerned. I referred also to that curious disease that carries the name of onchocerciasis. It is found in South Kavirondo, and the area is called the "Country of the Blind". That disease was entirely eliminated in South Kavirondo last year, and the area was opened to prospecting after being closed for a number of years. We are carrying out similar work in North Kavirondo, in an area of over 300 square miles—the Kakamega-Kaimosi area—and there we hope we shall have equally successful results.

I also referred to the work we are doing in attempting to prevent the spread of malaria into certain parts of the Highlands. That work was very effective last year and has been continued this year. The results have been excellent. There has been no epidemic, though one might have expected one because of the very heavy rainfall. That work is being continued in the Kericho area with a grant from Colonial Development and Welfare funds. We are also carrying out work in regard to the new anti-malarial drug, paldrine. Earlier research work on that drug was done in the South Pacific and Australia, and the results appeared

to be very impressive to begin with. Our experience in Africa seems different. Either it is that the African parasite is more virulent or is more resistant to this drug, but it is apparent that the earlier results have not just come quite up to expectations. We are carrying out this work in co-operation with the States in Kericho, and I believe that in a few months time we will be able to say exactly what quantity of this drug is required both for treatment and prophylaxis. I am not detracting in any way from paldrine; I believe it will turn out to be the most effective anti-malarial preparation we have, but we do require certain adjustments of the earlier doses which were suggested. I discussed this matter at some length with the I.C.I. representatives who were out here, and they were particularly interested in the work we were doing on that particular preparation.

One word about cholera in Egypt, which I think is relevant, as we are spending a certain amount of money on it and may have to spend a little more. In its early stages, in September, little information could be gleaned from the Egyptian Government about it, but the fact that cholera has got into Africa was sufficient for us to know that we had to take immediate steps to counteract any possibility of its spread. A proclamation was made by His Excellency the Governor under the Public Health Ordinance and issued on the 3rd October, which gave us powers under various international sanitary conventions, maritime and aerial, to take the necessary measures to prevent the introduction of this formidable disease. These measures have been taken, are in active operation and, as far as air and sea traffic are concerned, we are fairly safe, provided the disease is confined to Egypt. Should, however, it spread from the Sudan or Somalia or down the Red Sea Littoral into Abyssinia, the position will have quite a serious effect on East Africa, and major drastic steps will have to be taken if that occurs. I have preparations made should any extension of the disease occur outside Egyptian boundaries, and it may be necessary if that occurs, which I hope sincerely will not, to come to this Council and ask for some supplementary estimates to deal

[Dr. Mafanani]

will it. I would say this, that whatever we do, if it spreads to the Red Sea Littoral and the Arabian coast, the dhow traffic which turns round here in the monsoon months is entirely suspect, and I shall have to ask for powers, possibly legislation, to deal with dhow traffic.

One last word, about health centres. I regret very much that so little progress has been made with the provision of these. They were given a very high priority in the D.A.R.A. report. I need not elaborate on this, because it is very well stated in the appendix to that report, but I am firmly convinced that the only long range method of keeping down or even reducing recurrent expenditure is by an intensive application of preventive medicine through and under the work of centres, so that eventually we shall produce a healthy community both in mind and body, fit and anxious to work, and proud to do so in the country of which they are citizens.

Mr. Waigira (Aberdare): Mr. President, this is, I think, my fourteenth consecutive budget, and it is my last one. (A member: Shame!) Having been for very many years and down those years a constant critic of all budgets, and having in later years sought to resist as strongly as I could the overwhelming, uncontrollable flood of expenditure, it is in the nature of things that to-day, for the last time, I should not be in the mood to join cordially in the cacophonous chorus of approval of this one. I realise that there is no sense in recording here the slight differences some of us on this side have in what is in fact the most strong and cohesive team so ably led by the hon. Member for Nairobi South. Further, there would be no sense now in challenging the estimates head by head when ample opportunity will be afforded us later for that purpose, with presumably heads of departments appearing to answer necessary questions when called upon. On the revenue side of the budget, the obvious comment is contained in that appropriate quotation whose origin you must know, chapter and verse: "The tabernacles of the robbers prosper." (Laughter.) I think it is a very good one, because it describes with great accuracy what happens on the revenue side of the estimates which come before us annually.

I wish, however, in respect of the chief of those tabernacles to request that, in respect of income tax assessments, a reasonable term should be given by the Commissioner for exacting his claim in cases where income tax assessments have not been made for two years or more. There are many such cases, and I do not think, knowing his human qualities, that I need emphasise the fact that, unless a reasonable measure of time, spread over a reasonable time, were given, it would be a very bitter blow to some of those people who, through no fault of their own, have not been assessed for a long period, that they should be called upon to pay in one lump sum, as powers are given the Commissioner to do. I believe he knows, as well as I do, that a more pleasant way of getting his money ultimately will be by gentle means, so I would ask him later, if he would, to reassure me of this on that point, and in all things to temper justice with mercy.

Of the budget as a whole it is, perhaps, fair to say that it is fully of that character described a hundred years ago by Sidney Smith: "Taxes upon every article which enters into the mouth or covers the body or is placed under the feet, taxes on everything on earth and the waters under the earth." The claim made by the hon. Financial Secretary in his characteristically able speech was that the income tax amelioration of some hundreds of thousand pounds in the current estimates added to the £200,000 relief given last year, represented I think one quarter of the war-time revenue from the income tax source. That was an impressive statement, but some of us remember that offset against that sum is £283,000 which the Standing Finance Committee last year added to the expenditure column. No wonder the hon. Financial Secretary told us so frankly in these words: "It may not be possible to maintain relief of this order during future years." Thus it would be very wrong to approach this budget and all its frightening implications for the future in a merely critical spirit and without suggesting some points, even if only a few, at this early postwar stage whereby economies or advantages could be derived.

First, I think it is fair to say that many of us pin great hopes on the recommendations that will presently come

[Mr. Wright]

from the Efficiency Inquiry Committee, the committee to whom the hon. Financial Secretary has paid generous tribute. We all know that there are Government departments, not many but some, which year by year demonstrate month by month and throughout the year a shocking degree of impossible ineptitude. We have seen, and repeatedly seen, such departments where frustration is the order of the day, where stultification of progress goes on and a thousand excuses can always be found for inactivity and resistance to the ordinary normal course of a progressive country. I, too, share the hon. Financial Secretary's confidence in that committee, and am very confident that the economies they will recommend will be in the order of saving tens of thousands of pounds.

Secondly, in the matter of making the punishment fit the crime, and doing it more cheaply than is the present custom, I would seriously commend to the hon. Attorney General that he could apply a far greater deterrent to the growing criminal instincts of the populace if he were to raise a penal battalion or to recruit from the prisons of Nairobi and other towns where prisons exist, translate them with all speed to a place where they will do the least harm and, perchance, come good, namely, the Northern Frontier Province, where they could usefully be put on road construction and aerodrome making, and where in due course of time, if we want to clean up the prevailing menace that threatens the peace of this country add other battalions comprising those agitators and scallywags who abound in Kenya and all our towns throughout Kenya. Add these as battalions alongside, necessarily in different camps, to help on work that will be useful as it will be strategic as time goes on, and I am confident in the economy that will be served by the fact that a widespread desert is a very happy place where you could eliminate a very great number of warders, for escaped prisoners could not get away when it there. I say treat them well, feed them well, make them work well, see to it that medically they are well attended to—both physically and mentally,—and trying out of it all they will get the opportunity of proving either that they can become good citizens or die as a curse of Kenya.

Having listened with great attention, as always, to the speech of the hon. Director of Medical Services, I was hoping—and will hope in the committee stage—that in his presence some opportunity will be given to put a case that we as settlers all know of whereby the beginning of economy can be achieved in that vast vote swollen beyond the capacity of the country to bear. We all know who work with natives and genuinely like them that they have their own proper pride, and it is repeatedly discovered in all parts of the country, and the Highlands in particular, that natives of that class will elect to go to their private practitioners and pay the professional fees far rather than take free benefit of treatment at the hands of native dispensers. That is a point not to be ignored, and if there are, as there are, a growing number of natives of that outlook, having confidence in the private practitioner, let us by all means encourage it as human instinct, as civilization, requires all to-day to pay for services rendered.

Those are my three points, but there are one or two matters I would like to touch on briefly before the gong interrupts my swansong!

I was greatly interested to hear the hon. Member for Nairobi South make reference, by way of postulating the possibility of the use of subsidies. I do not think he committed himself to it, but put it forward as something meriting an inquiry, and accordingly I was all the more pleased yesterday when I heard the hon. Members for Trans Nzoia and Ukamba utter a note or two of doubt and caution. Personally, I do not like the proposal of food subsidies a bit. I am prepared to have an inquiry and hear the recommendations, but I am always convinced in my own mind that the granting of such subsidies, which taxpayers will bear the brunt of, will serve in no way to keep off inflationary tendencies.

But the biggest problem concerning the Colony to-day has been touched on by practically every speaker, a very serious one that is, the great labour problem. We all know that while wages go up and up at an accelerated pace production goes down and down relentlessly. Those of us connected with big farms, small farms and estates know how

[Mr. Wright] very serious the question is. The Labour Commissioner in a very excellent speech tried to give an answer, but I suspect that he knows as well as we do that his answer merely begs the ever-recurring question. The production of steel, of which I have some knowledge, is a dollar winner of high priority, is going down by half, and in practically every other sphere of agricultural production it is common knowledge that the wage labour efficiency gets less and less. In industry, too, we know. In our little textile division of a department that I have something to do with eight trained natives, after much training, do not equal the output by the loom of one Lancashire operative. Work that out for yourselves in terms of economic production.

What is the remedy? Has the time perhaps come when we in Kenya must begin to consider the introduction of indentured labour from outside, Chinese labour under strict repatriation clauses or similar things, in order that by that means alone we shall do what the Labour Commissioner requires to be done, and knows should be done? That is, to inculcate in the native mind what he termed properly the "dignity of labour." I am not advocating the introduction of Chinese labour, at all. I do not know enough about it, but I recall years ago when at one of our earlier conventions in this hall a serious proposal was put forward that it be done, and it had a great deal of backing. It seems that some such thing must be done before the native ever learns the dignity of labour or realises what part in citizenship his share must be if he seeks to go on and progress in this country, of which he owns such a very big share.

I wish I knew the answer to such a serious one, and I do pray Government to take some steps somehow to inculcate a sense of discipline and consciousness of wrong-doing that the natives, like the rest of us, will be driven to enter a job of work for the country that gives them harbourage. I was all the more pleased to hear similar sentiments uttered two days ago by the hon. member Mr. Mathu, and I hope he will try skillfully and successfully to proclaim his high-sounding message throughout the reserves and the country at large.

I would like, being such a serious person, to change from a note very grave to gay, and that is in respect of the song to-day. I have not yet got accustomed to this frightening thing introduced for the first time in our Legislative Council debates and to express my own belief that it is not a good innovation! Apart from the tendency it has to make everybody spin out time till the bell rings (laughter), it also leads to the rather amusing contrepertes, as in the case of our leader when interrupted by the bell. On the first alarm, seconds being ordered out of the ring at that moment he made a grim determination to put across the rest of his speech which he had so skillfully prepared for the purpose. (Laughter.) So we, all of us here, listened with admiration and delight to his high-speed diction, of which I have never heard anything so well put across in this Council. But I will confine to him—and he will not mind my little quip—that I thought seriously of attempting at that moment to get up on a point of order to protest that his speech be taken as read! (Laughter.)

MR. OLANGA (African Interests): Mr. President, I should like first of all to congratulate the hon. mover and other members on both sides of Council who have spoken in support of this motion. I do not intend to deal with the draft estimates in detail, but the few remarks I am going to make will necessarily be confined to a few selected points which concern Africans more intimately, especially to deal with some allegations which have been made about Africans in some of the speeches. In doing so I shall have to take some time in answering some of them. That being so, it will be necessary for me to repeat quite a number of points already made by my hon. colleague and some members who have spoken.

My first reference will be to crime. I believe once there was a time in this country when crime was closely associated in people's minds with the name of Africans or natives. We are aware that that is no longer the case. Those organised criminal gangsters whose criminal activities make life so difficult for everybody in the country, more particularly in Nairobi, cannot be the devices of the African alone, and I am

[Mr. Olanga] majority of Africans resident in the native areas. But we are all subject to their activities. The only point I should like to make here is to ask what Government is doing to try and reduce the activity of these gangsters and, if possible, to eradicate altogether the existence of the situation. For my part, and on behalf of Africans, I can assure the Council that we shall do all we can to give support to any measures which Government and the country will take in trying to eradicate crime. (Heard, hear.)

My next point is medical. In view of the speech made by the hon. Director of Medical Services I shall have to omit a great deal of what I had intended to bring into my speech this morning, but I should like to mention a few general points. The first is this. So far as the African community is concerned, State medical services generally are very inadequate indeed. I should like to explain that that is more particularly true in regard to the reserves. In the towns the position is a great deal better. In that connection I should like to congratulate the authorities responsible for the introduction of clinical services for the African children and mothers in Nairobi town. The services carried out by those clinics is most valuable, and a great deal of improvement is visible in the condition of the natives of this town.

In his speech the hon. member Mr. Mathu referred to the mission medical services, and in his speech this morning the hon. Director of Medical Services referred to the same services. I should only like to say one thing in that connection. The missions, we are agreed, are doing a great service to Africans in the reserves. It is hard work, and the facilities are hardly adequate and the hospitals overcrowded. Any help the Government can give to assist the missions will have our full support. In his opening speech the hon. mover did mention the committee which investigated the question of charging fees to African patients for ordinary medical services. I should like to say that when that principle of not charging fees to Africans for those services is approved it should be extended to mission hospitals which up to now constitute a major proportion of the important medical service available for a large

majority of Africans resident in the native areas.

My next point was the medical services in Central Kavirondo, but after listening to the hon. Director of Medical Services I have decided to say nothing about it, only this, that should the time come when Government decides to remove the hospital from Kisumu it should be moved right into the interior of the country. The great difficulty of the people in Central Kavirondo now is distance. Kisumu is so far away from most of the reserve communities it is supposed to serve that many patients cannot get to the hospital in time to receive help. If that hospital is ever moved from Kisumu it should be taken to the middle of the country where most of the inhabitants can get to it.

My next remarks are on education. Education, as we know, is a major social service of the country, and before I go into some general remarks which I intend to bring before Council this morning I should like to congratulate Government on behalf of the Africans for the measure they have taken this year to send Africans to the United Kingdom for education.

For many years the Africans have asked that they should be allowed to go in large numbers to the United Kingdom and other parts of the world in order to receive higher education. This year, the measure taken by Government was very much appreciated by the Africans, and I should like to congratulate Government on it. In that connection I have this point to make. When African students are sent overseas they should be sent for full courses. It costs a lot to send them. Once they are there it is very difficult for them to travel to and fro, and once they get there they should be given an opportunity of taking a full course right through to come back fully qualified for whatever work they intend to do. That would mean that before they were sent out it would be necessary to see that for the kind of courses were not only fit for that but also had the they intended to take, but also had the time to do the course. The idea of sending people overseas who are family men and charged with responsibilities in their homes is not a good one. It would be difficult for them to stay for a long time, there would be difficulties at home, too,

[Mr. Ohanga] which would make it difficult for them to study with peaceful minds. It should be the aim that all people who are given the opportunity, to go overseas should come back with degrees.

The aim of our present labours in education in this country is to do that preliminary work which is necessary to bring about the main object, which is universal education for all African children in a measurable time. That object we all agree with, but what troubles our minds is time. The Government has not yet come to the point when it will accept full and direct responsibility for African education. The present practice is that Government finds what money it can for the education of African children, and usually gives that money to the missions or private authorities to do the work. That principle I do not question. The missions have done a great deal for this country for over 100 years; they are still rendering a very valuable service. The trouble, however, and it is especially true with regard to primary education, is that there is a tremendous amount of work which cannot be done, and done well, by people who take up education only as a second interest. We feel that the time has come when the Government—and I include the local government, the local native councils—should assume direct responsibility for African education. The hon. member Mr. Mathu mentioned in his speech that the proposed primary section of African education would be the responsibility of the local native councils. The local native councils, as we know, have limited funds, and the most important part of African education, and it will be so for a long time, is the primary part, it develops year by year. If the limited funds of the local native councils were to be the only money available to do all that development, upon which the future depends so much, I am quite sure that the rate of progress will be much retarded.

Teachers have been a headache to all concerned with education, but I myself feel it is not a question of teachers only, but a question of all the skilled workers in the country. No department can say that it can get all the qualified staff it wants out of this country. Our experience is that whenever we have wanted qualified staff for any department we

have turned our eyes to countries outside this Colony. I should like to submit that the same principle should apply to recruitment of teachers for African education, otherwise I cannot see how we are going to cope with the situation. Schools are so inadequate, and non-existent in many parts of the country, that many children go about without finding anywhere to learn because there is no school available for them, and that only answer Government has is that there are no teachers to run schools and to do the teaching. At one time money did seem to be the primary difficulty, but now money does not seem to be so much to the fore as it was. If teachers are our difficulty all we can do now are our difficulty all we can do now is to try and build schools to train teachers, in the meantime it should be possible to bring in teachers from countries outside Kenya temporarily to assist in a more rapid development of African education.

Having said that, I will come to a particular point. In Nyanza, Central Kavirondo is the only district which up to now has not enjoyed the benefit of a Government controlled school. By that I mean a secondary school. It has been the request of the inhabitants of that district for many years that Government should give them a secondary school, as they have done to other districts around them. I do not know what the answer is or has been, but I know that nothing has been done. I should like to say that that district really deserves a school. It happens to be situated centrally in the province, and many of the provincial facilities which have been provided to cater for the whole province generally are sometimes taken to be for that district. That is incorrect. I have in mind the Maseno school, a mission school, which for many years has been said to be a Central Kavirondo school. In practice it is not, it caters for the whole province, teaching boys from the South Kavirondo and North Kavirondo districts. There was a time when it catered for the whole Colony in so far as teacher-training is concerned. The development of the present system of day schools (secondary) cannot take the place of the much needed Government secondary schools. We should like to set something done for these people by the Government as soon as possible.

[Mr. Ohanga]

My next comment is on tourists. Speakers in this Council have referred to tourist traffic and the financial benefit which it might bring to the country. All I want to say in that connexion is that I agree with the matter in principle. We should do all we can to attract tourists into this country in order that they may enjoy themselves and meet us. The next point I want to make in that connexion is that when tourists come from overseas to Kenya they want to see Kenya, and that means seeing not only Nairobi or the settled areas, but the native reserves, too. (Hear, hear.) In that connexion roads—(laughter)—in the reserves are still far behind. If that is the case, it will mean a great deal more effort on roads in the reserves than we are making now. It will be agreed that the system of roads in the European settled areas is a great deal ahead of the native reserves, and anything that could be done to bring these African reserves up to standard would be very much appreciated.

Now I come to the most important, and perhaps the most thorny, problem, labour. This morning, and for the last few days, a great deal has been said about the dignity of labour, and to my mind it seems that the dignity of labour is being repeated here so often as if it was a completely new social gospel that has never been preached in the past. I do not know to what extent that is true, but at least this I know, that, with regard to labour—and by that I mean practical manual labour—the Kenya African has not learned anything more than he knew before the British came here. He works as he has always worked before, he lives as he has always lived; there has been practically no improvement at all in the amount of work he can do. I therefore feel that, much as I should like to see myself my people take to labour in a more dignified manner, and also to do all they can to improve the standard of work so that the output is greater, I should like to say that it is not right that the African manual labourer is not going to learn any new methods of tilling his land by working on European farms. He has seen their system of agriculture as practised for many years, but it has not materially improved native agriculture in the reserves.

The hon. Member for Trans Nzoia made some very serious allegations yesterday about the African in the reserves. I have lived in the reserves all my life, and my father and grandfather have always lived there. I know what they do and what they have been doing for generations. To say that the African in the reserve has nothing to do except sit down under a tree with a blank mind and to do nothing except spit, and do it all the time, is not only wrong, but is absolutely humiliating. (Hear, hear.) I do not think a remark of that kind can be tolerated very much longer by the African without challenge. The African family has no servants of any kind, and we know that the reserves are teeming with activity for their own individual living and for the good of members of the family as a whole. There is a great deal to mind, not only cattle, sheep, chickens and so on, but family responsibilities, and they have to put up with all these quite single-handed. How these people could have existed up to now if they only sat down under a tree and spat I do not know! (Laughter.) I agree that there are exceptions, but to generalize to the extent that was done yesterday is simply too sweeping and difficult to stomach. (Hear, hear.)

We realize that the British Government has done a great deal for the Africans in this country. We appreciate it, and we have always appreciated it. But when charges of the order which I am talking about now come—and they come from members of a prosperous section of the settler community who have, in the main, prospered almost entirely from the services and labours of the African—and make public ridicule of the efforts that have been made to assist them cheaply in their work by people who have no other interest except to do it, is a thing we do not understand and are completely at a loss as to where we are going.

I should like to say that the time and trouble which this Government has given to the organization and direction of labour for private enterprise cannot go on indefinitely without being questioned by the Africans. The Labour Department is financed by public money, to which the Africans contribute, and I wish to ask what direct benefit they actually derive in return from it? The

[Mr. Ohanga] settler community has now been here long enough to have full experience of the difficulties of the country, and it is time they organized, through their own private machinery, the labour forces needed for their private enterprise. This pressure which is often brought to bear upon the Government to organize and direct labour, at the expense of the African, for private activities of that kind is a practice which we are not going to leave unquestioned much longer.

With these remarks I beg to support the motion.

Mr. BLUNT: Mr. President, while I cannot compete with some of the members opposite who gave their records of attendances at budget debates, this is my seventh budget debate. I think that is probably a greater number than any official member, as an official, has attended on this side of the Council, with the exception of my hon. friend the Member for Health and Local Government. Never in the course of these debates have I heard less reference to agriculture than I have heard so far in this one. I think there is only one speaker that I have to answer on an agricultural matter, and that is the hon. Member for Klambu, who put certain questions in regard to wattle, and I will deal with this question first before I refer to some rather more general matters.

The hon. member stated that the export that went on before the war is not now allowed. That is not correct. The position in regard to the export of wattle bark was that up to about 1930 to 1932 it was unorganized. It was of extremely poor quality and it fetched a very low price, but about that time certain regulations were introduced, including the inspection of bark, and only bark which was of a satisfactory quality was allowed to be exported; with the result that over the 15 years approximately that these regulations have been in force the quality of our bark has risen to be equal to that of Natal, whereas 15 years ago it was valued at some Sh. 30 a ton less.

Throughout that period bark which has been spoilt by being left out in the rain, bark which was immature and contained little tanning material, has not been allowed to be exported, and that

is still the position. The prices have risen very considerably in the last year or two. There has now arisen a demand to export bark of low quality. That bark of low quality is derived from cutting immature trees. The bark is thin and its tanning content is small, but if it were to be left on the trees until the trees were ready to be cut, in three or four years time, that bark might be of the highest quality. I submit that it would be extremely foolish to do anything to encourage the cutting of immature bark, which gives a small yield and a small tanning content, when that same bark will produce first-class bark in two or three years time.

The hon. member also suggested that there was only one grade of wattle bark and that there should be more. Wattle is different from other commodities, such as sisal, coffee, etc., and cereals, which are graded, in that in those things you cannot help producing different qualities. Some of your coffee is good and some of lower grades, and similarly with sisal, maize and wheat. In the case of wattle, the only reason why you should have poor quality bark is either because the tree is cut immature—and I suggest there is not the slightest reason why it should be cut—or because it is badly handled and left out in the rain and thus loses tanning material. In my view we should do all we can to maintain our quality and reputation and keep to our grade for export, which is good quality bark.

I understood from the hon. member that the Limuru growers of wattle bark had resolved that they wish for a new factory, and presumably did so because they thought, as she indicated, that the present factories could not handle the bark in existence. I do not believe that that is correct. The present capacity of the wattle bark factories is 30,000 tons a year, and the largest delivery of wattle bark ever made in any one year is just over 24,000 tons of dry bark, plus 2,000 tons of green bark. Moreover, there is a proposal at present to instal another factory in the Plateau area, which will within the next year or two deal with the bark produced in that area and therefore relieve pressure on existing factories in this part of the world.

It is perfectly true that during this year there was a certain amount of difficulty in taking bark as offered. That

[Mr. Blunt] was due to two causes. One was the fact that the factory at Kikuyu was installing new machinery which had been on order for two or three years, but arrived at an inopportune moment when bark was coming into the factory, and thereby reduced the output for a period. The other question was the extremely bad weather and difficulties in delivering through closure of roads and difficulties in obtaining a sufficient number of railway trucks to move the bark. I do not believe there is any real necessity for this factory which has been suggested in that resolution. The actual figures of bark deliveries in the Limuru area make rather interesting reading. 1944 was a normal year as far as wattle was concerned—216 tons only of dry bark were delivered. In 1945, 1,256 tons were delivered at Limuru; in 1946, 2,765 tons were delivered. Limuru is not an area which is very suitable for the production of dry bark, and the bulk of the Limuru legitimate bark deliveries are in the form of green bark which is converted into extract. That increase in dry bark is due in a very large measure to the fact that people in Limuru area were taking over bark which had been rejected on inspection at places like Fort Hall, Sagana, and Thika, as not being good enough to be delivered at those factories and so was brought to Limuru and passed in by people who had not grown it.

We have this year, as no doubt hon. members are aware, certain rules whereby people will be given permits to deliver bark and whereby we have to inspect the trees before they are cut and to make sure that mature bark is delivered, and I believe that when these rules come really into force and are effective there will be an improvement in the wattle bark industry of the Colony.

Now, if I may touch on more general questions, I have already said that there has been less mention of agriculture in this debate than any other debate I remember. In a meeting in this hall some three or four weeks ago, when the formation of the Kenya National Farmers' Union was being discussed, the question of how to raise funds for that Union was under consideration. The point was made, and I believe it was a

good one, that so long as things were going nicely in the country, farmers would take very little interest in the Union and would not pay up their subscriptions; but as soon as things began to go wrong and difficulties and trouble occurred, they would all be in it. I rather think that that applies to this debate. I rather think there is a feeling that things are fairly well with agriculture and there is no need to talk about it very much. But I am going to suggest to Council that that is not the case at all, that things are far from well with the agriculture of this Colony.

We had to adopt during the war the policy of maximum production of cereals. We had to do it because we wanted the foodstuffs. We still have to adopt that same policy, and both in the European and native areas we are endeavouring at the moment to keep up the production of cereals to the highest possible point. There is no doubt we have to do it. There is need for every export of foodstuffs that we can send abroad, there is need for maximum production in the way of anything for export that will earn dollars. We want and would like to export foodstuffs for the United Kingdom, and we must keep in mind that the position as regards our own foodstuffs is, to say the least, a little precarious. A good year and we do all right, but with a bad year we shall have a little difficulty in seeing ourselves through and providing for our own requirements.

What are the other more advanced agricultural countries doing at the moment?—if we look at the United Kingdom, probably the most advanced country in agriculture that there is, they have instituted since the war a very large research and advisory agricultural service. They had, it is true, a number of research stations in existence before the war, but they did not consider, in spite of the high quality of British agriculture, that they were adequate, and though they had them they have come to the conclusion that these advisory services must be increased. Other countries such as the United States have had for many years large research and advisory agricultural services in existence. Take South Africa, and we find exactly the same thing. Yet those countries, more advanced agriculturally than ours are

[Mr. Blum]

not to anything like the extent Kenya is dependent on agriculture. They have mines, they have other things which will help them through, but here we are dependent on agriculture, and dependent on agriculture for our existence and our whole economy.

I do suggest that we should examine our agricultural methods and requirements, and if there is any manner in which they can be improved that we should bear that in mind and provide the funds that are necessary. In the later report of the Development Committee, which was debated and accepted here, the committee said: "We consider that the first objective should be to use the natural resources of the country, including man power, in a manner calculated to increase the national income of Kenya in the shortest space of time so as to raise as quickly as possible the standard of living of the majority of the inhabitants, and we have decided that every scheme should be decided against this background." Nobody disagrees with that thesis, and it has been applied in so far as the development authorities are concerned. I do suggest that it should be applied to a greater extent than at present in so far as ordinary expenditure on Government services is concerned.

I was concerned with the preparation of departmental estimates 21 years ago, and I have been concerned in their preparation on at least 14 occasions since, and on no occasion can I remember that the services the Director thought desirable for agriculture and for the real benefit of the country have all been able to be provided, due to financial considerations and to the fact that the money had to be shared round. I feel that in this, my last budget speech, I ought to try and bring home to Council my very deep conviction that, if greater attention is not paid to the requirements of agriculture by providing for necessary research and extension of work, we shall never raise the agricultural potential of this country as it ought to be raised or as rapidly as it ought to be raised.

I think nobody in this Council will suggest that either European agriculture or native agriculture is in any way approaching perfection. We have great alterations to make, and do not really

know exactly what we ought to be doing. And yet the whole prosperity, in fact, the whole future, of this country as far as one can see at present, is dependent on a satisfactory agricultural position. I do suggest that, not only in this year but in future years, members of this Council should keep in mind what are the real requirements of the country and should be prepared to provide as far as possible for those requirements so that our agriculture may improve continuously and rapidly, and thereby we shall be able to afford the other social services about which we have heard so much.

Council adjourned at 10.55 a.m. and resumed at 11.15 a.m.

Mr. Hope-Jones: Mr. President, I had not intended to speak in this debate, but one or two hon. members on the other side have raised points that I think call for some reply. In particular, the hon. Member for Trans Nzoia, whom I regret not to see in his place, raised certain points in connexion with the future budgetary position of this Colony and Protectorate, and I would interpret his remarks as meaning that, in my opinion or in my understanding, he appeared to be concerned about the economic future of this Colony. I cannot possibly forecast the economic future of this Colony, nor, indeed, could anybody else over a long-term period, but I do think it is possible to make certain observations that may have relevance in regard to the medium-term future of the Colony, which, of course, affects the budgetary position inasmuch as fiscal policy must arise from and be consequential upon the economic conditions obtaining in a particular country.

I was particularly interested to find that the hon. Member for Trans Nzoia claims to belong to a school of economists of which I have not heard! (Laughter.) There are many schools of economists, and, unless it should be thought that I do not attach the greatest importance to the views of the hon. member, I would say to paraphrase Aristotle, that there is a great deal of good in a muck heap! There was a great deal of sense in his argument. His argument was, as I see it, briefly this, that we are at the present time approaching a climacteric in the economic cycle. We are, in fact, approaching the peak of the, inflationary wave, and that

[Mr. Hope-Jones] inevitably, in his view, we will soon start to move downwards and the spiral will go into reverse and will be equally vicious, as it is alleged to be vicious at the present time. That is the classic theory of the trade cycle; that is the theory that has been recorded since the days of Adam Smith; that is the theory which has held for the last 150 years, and, as I say, there is a great deal in it. But that theory, for its validity, is almost entirely dependent upon operation within a free economy. I must explain myself here because, as hon. members opposite know, there is no such thing as a free economy in Kenya; there is no such thing as a free economy at the present time in the British Empire, or indeed in the world. This, for better or for worse, is a controlled economy. To a greater or a lesser extent all countries seek to control the operation of what might be referred to as the natural laws of economics.

To come back to the hon. member's point, what he feared was a catastrophic fall in agricultural export prices, and—to refer again to that "glimpse of the obvious" in the Plewman Report—with consequential damage to the economy of Kenya. Now I will draw the attention of hon. members to a very important fact in this connexion, which is, in the terms of the Bretton Woods monetary agreement, to which Great Britain, in common with all the world with the exception of Russia and some of her satellites, is a party. Great Britain is a member of the Bretton Woods monetary fund, and the colonies, with the addition of Southern Rhodesia and Burma, are members with the United Kingdom. In other words, they are members of the United Kingdom monetary area, and any form of discrimination within that area, that is the United Kingdom monetary area (the same applies to the Belgian monetary area or any other area), is possible. Thus, for the purposes of discriminatory economics, the United Kingdom and the colonies—and I do not include the dominions in this definition as they are separate members of the monetary fund—are one unit. That means that just as the United Kingdom may discriminate as much as she wishes in regard, shall we say, to dairy produce in the United Kingdom, so she may discriminate—whatever may be the terms

of the international trade charter, whatever may be the terms of any monetary loans from our friends or allies—in favour of produce from the colonies. This fact has obvious relevance to any suggestion that there will be a catastrophic fall in agricultural prices in regard to Kenya.

Hon. members will be aware that in the United Kingdom there have been long-term agreements entered into with the farming industry for stabilized prices for a good many years, and I would submit that, in view of the world shortages of foodstuffs, the medium-term prospect for Kenya agriculture is good, and the hon. Member for Trans Nzoia was quite right when he said that shortages may comparatively quickly be translated into surpluses and supply exceed demand. But it is not the demand in the abstract that matters, it is effective demand. I would submit that, as the United Kingdom will obviously be faced with balance of payment difficulties for a very considerable period—that medium-term period, in fact, to which I referred—just as the United Kingdom will have to turn to agriculture in order to feed as much of her population as she possibly can, so, by the same token, because of these balance of payments difficulties, she must turn to the Colonial Empire and Burma and Southern Rhodesia, which are in the United Kingdom monetary unit, and get as many of her supplies from those sources as is possible.

For that reason I submit that from the medium-term point of view, it is unlikely that there will be a catastrophic fall in Kenya agricultural prices. The same considerations also apply, I think, perhaps for a shorter period, to certain dollar-earning crops. Quite obviously it will be for the United Kingdom to do everything she can to further the export of these crops. That does not mean that there may not be some fall in price. It is profoundly to be hoped that the present inflationary cycle will come to an end and that there will be some stabilization of prices, not only of agricultural prices but also of imported manufactured goods, which are, of course, essential for production.

I think I have said enough on that point.

[Mr. Hope-Jones]

There is just one other point which arises out of the remarks, not only of the hon. member to whom I have referred but from the remarks of other hon. members, and that is this. That, although at the present time this Colony and Protectorate is almost entirely dependent for its economic prosperity on exports of raw material and foodstuffs, I suggest that it is necessary for the economy of this country to become a balanced economy. There are one or two steps that can be taken urgently, and there are others that have a longer term application.

The first of these steps is to promote secondary industries, so that the value of the manufacturing process can be added to the value of the raw material before it is exported. That means that not only would higher prices be obtained, shall we say, for wattle bark extract and pyrethrum extract, but, by its very nature, it provides an alternative basis for employment. Not only would it do that, but secondary industry brings in capital and employs it, which is the important thing, and it employs it in productive processes. Adding the value of a process to a raw material is precisely the same thing, from an economic point of view, when you consider it in terms of exports, to increasing the area of good land under a particular crop. That is something that is already being done, and something that can be furthered and which would add to the stability of the country.

The next thing, and this I attach the very highest priority to, is the development of other industries—that is to say, we must try to discover those prime movers, those basic materials without which any heavy industry is impossible, through the means of geological exploration. The Development Committee gave geological survey a priority as high as the rehabilitation of the soil.

There are other things that affect prosperity, quite apart from price, quite apart from industrial development. There are three other factors. These factors, as I see them, are an efficient labour force and equally efficient supervision and management. In my experience in business I came across a very interesting fact, which was this. Employed by the company which I was advising was a labour force of 50,000 raw tribesmen.

Our European supervision ratio to labour employed, some years ago was approximately one to 25. During the war and immediately after, as a result of the most careful investigations, the European supervision ratio was raised to one in ten. The salaries of the European supervisory staff were very high and every kind of amenity had to be provided, and the recurrent cost of that supervision was very great, but within one year, owing to increased productivity per head of the labour employed, the whole of those recurrent costs incurred in extra supervision was met, and more than met, and the profits of this particular company benefited correspondingly. I think that that is a point that has very great relevance to the labour problem. I need not talk about technical matters, of which I know very little, but there are obvious morals to be drawn, I suggest, from what my hon. friend the hon. Director of Agriculture has said.

I will conclude by saying that I have been here long enough now to get some picture of the possibilities and prospects of this Colony and Protectorate, and given an efficient labour force, given efficient supervision and, most important, a fiscal policy that attracts capital, I have no reason to doubt that, while prices may fall from their present heights to a certain extent, from the medium-term point of view, for the reasons I have given, the budgetary position of this Colony should continue to be sound, because I can see no reason why this economy of Kenya should not continue along sound lines. I say those words advisedly. I have thought about the problems involved a good deal. I may be wrong—anybody may be wrong—but to the best of my judgment that is my view. I see no reason why Kenya, instead of being limited, as in certain ways this country has been in the past, should not become "Kenya, Unlimited" and should not, in fact, be part of "East Africa, Unlimited." (Applause.)

Mr. PATEL: Mr. President, there is no doubt that the exposition of his draft estimates by the hon. mover was excellent. However, I do not see anything in the draft estimates which has changed so radically the attitude of certain of the members on this side of Council from that which they adopted last year, except for one thing, that they

[Mr. Patel]

have certainly got one feather in their cap. They have created circumstances which have compelled the Government to grant certain relief from income tax, but even though that relief has been achieved, there is already a threat from the hon. mover that we may have to revert to the position of last year in a year or two. Personally, I believe that the satisfaction which has been felt by obtaining a small relief from income tax by certain members on this side of Council may perhaps be a necessity on the eve of the general election. While relief from income tax has been granted, I think it is absolutely essential that the hon. mover should take early steps to examine another recommendation which was made by the Plewman Committee, and that is to consider the question of a reduction in customs duties on certain articles used by the African community. I believe that if there had been strong pressure from the African community—for they are, shall I say, not so vocal as the others are—they would have received as much consideration as the plea for income tax relief has received.

I personally, while considering the question of revenue in connection with these estimates, am not happy about the lack of due regard given to another recommendation in the Plewman Committee Report, that in a period like this we should make every effort to budget for a surplus. But I can see that we cannot have it both ways. If we desire to have relief in income tax and at the same time a surplus balance, that is impossible. I remember very well that last year members of the Standing Finance Committee were taken to task by certain members on this side of Council because the report of the Standing Finance Committee showed an increase in expenditure. These draft estimates go further in the matter of expenditure, and I am very amused to note that there is a chorus of members in favour of them. (Laughter.)

In a country like this one must recognize that there is bound to be a continuous increase in revenue as well as in expenditure, and we, the unofficial members, should also bear in mind that we constantly demand an increase in one vote or another. I would like to mention

one thing, that we face still further increased expenditure when we go into committee on account of the increased cost of living and, perhaps, the recommendations of the Salaries Commission which will be published soon. The country will be faced with this increased expenditure, and I am quite certain we will have to agree to it.

There was great alarm shown by the hon. mover regard to the increased expenditure on social services, particularly education. I, as an Indian representative, am highly interested in this matter, because I have always felt that the Indian side is receiving, as far as social services are concerned, a direct benefit from one vote only, and that is the education vote. As far as other services are concerned, it is a well-known fact that we Indians are very poorly served. Therefore, though the hon. mover is very much alarmed on the question of the education vote I personally feel great anxiety that the education of the Indian community may suffer a great deal, and may even suffer a great reverse. There is a committee appointed to examine the question of the cost of education, and I do not think at this stage I need make remarks at length, but I would like to raise one or two points.

One is, I constantly hear about communal contributions for certain social services, particularly education and medical. I have always viewed this question with great alarm and anxiety for this reason, that it will be a great injustice if we embark on communal contributions for social services. I once mentioned in this Council, and I think it will be admitted, that in all countries, the United Kingdom, United States of America, and other countries, it is the minority who pay the bulk of taxation. As I said, supposing in the United Kingdom or United States you changed by a magic wand the colour of the skin of the lower stratum of society who form the majority, and that majority was made to pay for its social services, how would it sound to any person who likes to view the question with justice? Because in this country we are in racial groups, I do not think you can ignore that principle, that it is the minority which makes the bulk of the contributions towards taxes, and if any community in this country was placed to the

[Mr. Patel] happy position of being top class and allowed to say they would manage their own social services that, in my submission, is a very wrong principle.

I have taken great interest in the question of the development of educational establishments in this country, and in 1931, when I was in London, I submitted to the Colonial Office that, if they really desired to serve the educational interests of East Africa, they would have to adopt the principle of having common institutions for all races at a certain stage. You may have racial institutions in the primary, even in the secondary, schools, but you will have to have common institutions for all races beginning from a certain stage, if you really desire to develop higher educational institutions. Unless we are prepared to face that issue free from a racial approach, we shall certainly not be able to develop higher education in this country. For that reason I urge that Government, while considering the question of the cost of education, should also consider the future development and the policy of education in this country.

In regard to the question of communal contributions for educational and medical facilities, I would not be prepared to say that my community should not accept that principle. If the top class in this country is not prepared to do justice to the others I am prepared to consider any reasonable proposal for taxing the Indian community to meet the needs of their education and to provide their own medical facilities. I shall be very unwilling to do so, but I should prefer to be practical and would not stick to the principle.

There is one other thing I should like to mention, namely the bursaries provided for Indian students. I have always felt in the board of selectors that the amount provided is not sufficient. I know that the hon. member would like to put his foot down on any proposal for any increase in that vote, but the cost of living has gone up in the United Kingdom as well as in India. It has gone up very high, and the present amount given in bursaries—£55 for a student going to India and £100 to the United Kingdom—is, in my submission, not sufficient, and the committee will have to

give very sympathetic consideration to an increase in the vote.

I would also like to say that, when one considers the interests of local youths and the large number of students in the schools, it is necessary to provide technical education in this country at an early date. There are thousands of children in the Indian schools, and the usual course of providing education for them is not sufficient. At present we are training them to be petty traders or clerks. What other training is provided for them? Do we intend that in this country every child should aspire to become, after leaving school, only a clerk or petty trader? No. Our country must help them, and it is high time that we had some institution as early as possible to provide an alternative to those two things.

I for one believe that, in spite of difficulties and in spite of setbacks, this country has gone forward during the last 25 years, and is bound to go forward. I am not prepared to listen to any pessimist who will say that we have reached the peak of our prosperity and are not going to go any further. Of course it is true that greater effort is essential on the part of all communities. I often wonder whether D.A.R.A. has fulfilled the high hopes raised when the report was submitted to this Council. I feel slightly doubtful about the progress made by D.A.R.A. It may be that there are difficulties in the lack of heavy machinery and materials, and of getting trained men, but there is no doubt that the high hopes raised when the report was submitted have not been fulfilled, and it is time that some practical steps are taken for greater development that we have so far succeeded in putting into effect in this country.

Production in this country during the war effort was praiseworthy, and the European community has played a great part in maintaining the prosperity of this country. But I want to mention one thing in regard to the question of prices of primary produce, which has been raised from time to time. We have been reminded many times that in the United States and other countries prices of maize, wheat, and other articles are very high against the prices prevailing in this country, and it is urged as one of the grounds that we must gladly pay higher

[Mr. Patel] prices in this country. I for one would say we must pay adequate prices to primary producers, but at the same time we should not make these comparisons; they are odious. I think there was a time when prices of certain products outside East Africa were lower than the prices paid in this country, and we had to use Government machinery to protect our primary producers of maize, wheat and other articles, and also to use Government machinery to help them. The Government represents the whole country, and if the whole country helped the primary producers in a time of difficulty, and in times when prices outside East Africa were lower than the prices paid here, I think it is not wise to repeat that argument too often that prices elsewhere are now higher as one of the grounds for raising prices in this country.

I would say that if we extend that argument of prices outside, we should bear in mind that India and the United Kingdom kept us supplied during the war with very essential goods at controlled prices, when they could have sold those articles in the Middle East and other countries at much higher prices. If these countries have an obligation in the Commonwealth to supply us with articles at controlled prices, it would be very unwise to compare our prices with other countries for obtaining an increase. We should consider the question on its own merits—that is the only way we can consider the question of raising prices. I personally think that if it goes in a vicious circle, careful consideration should be given to the proposal of the hon. Member for Nairobi South for giving subsidies in regard to foodstuffs consumed.

To come to one other point. I am not happy about the reference of the draft estimates to a committee in which all unofficial members are included. What will happen, as I can foresee, is that all the unofficial members on this side have their own pet projects, for which they will press for more money, and perhaps if they are unable to persuade Government to agree to increase the expenditure in all to about £200,000 collectively they will howl against an increase of that amount in the expenditure. (Laughter.) There is another diffi-

culty also. This procedure is not, in my opinion, economic, because as a big committee it is likely to take a long time. To me it appears that the members of the Standing Finance Committee who did the work last year had an unhappy experience in this Council, and that is why they are not prepared to take the responsibility of examining these draft estimates. (Laughter.) So we are all brought into the procedure, and every one of us will ask for some increased expenditure. (Laughter.) I agree that it will be a novel experience, but it is likely to prove very unpleasant.

My colleagues the Indian members have already, as we are compelled always in this Council, put forward a long list of our difficulties, grievances, and complaints, and I do not want to repeat them, but I would like to mention two or three.

One is, I notice that the s.s. *Kanipala* arrived from Bombay on the 18th of the month, and the mail did not arrive in Nairobi until the 24th. I have noticed that when mail arrives from the United Kingdom and an Indian mail has arrived before it, priority is given to the distribution of the United Kingdom mail over the Indian mail. It may be that more important documents are expected from the United Kingdom than India, but when the s.s. *Kanipala* arrived there was no United Kingdom mail to be examined, and yet we were treated in this, I say, usual shabby fashion. I hope the postal department will be more careful in distributing the Indian mail.

I now want to touch on a very delicate question. Certain members, particularly Indian members, have referred to the very unpleasant subject of the human weakness to succumb to temptation while exercising certain authority. I for one can see from the faces of certain hon. members on the other side that there was a kind of indignation or resentment when those remarks were made. But I would like to say this. At present, and particularly during the war, the great majority, the overwhelming majority, of the human race have acquired a barbarous reverence for money, and when in business or industry some have made large fortunes I do not blame some others for falling to the temptation. The answer is that instead of showing irritation to anything pointed out like this

[Mr. Patel] the matter should be carefully watched. I may say that I mentioned to a high authority in this country once that, owing to the difficult circumstances of the war, we had to create controls and other restrictions, and I am afraid that if those controls continue for a period longer than is necessary it may introduce into this country a certain amount of, shall I say, corruption, which it may be difficult to remove later. I may say that in India the difficulties were greater than experienced here, and the Government there have lately started a special department to watch every phase of this matter and bring to book those in authority who may fall to the temptation of making money in this manner. The only thing I would like to say is that instead of ignoring remarks made in this Council, it would be wise to watch very carefully this matter so that our country may not go the ways some other countries of the world have gone. (Hear, hear.)

I agree entirely with the proposition put up here, that everyone must work, but I personally would always oppose any suggestion of conscription. I personally would think it essential that we should stimulate, want and raise the standard of living of all people, so that they will be compelled to work harder to earn those things and maintain that standard of living.

I join with the hon. member Mr. Ohanga in his resentment against certain remarks made in this Council regarding the African. I personally would appeal to those who are inclined to make such sweeping generalizations that we should all regard each other as members in this country's joint enterprises, instead of regarding the African as a labour mercenary, and the Indian as a problem to be solved. Let us all regard each other in that manner. The European community is placed in a position of leadership and influence and has a greater responsibility for creating an atmosphere of all being treated as colleagues in a joint enterprise, instead of looking on all as a problem to be solved. (Hear, hear.)

I should now like to refer to my own constituency, Mombasa. There are three things I should like to mention.

I have witnessed for the last seven or eight years the same sort of vote in the draft estimates as now in D.A.R.A.

but little effort to build an Indian elementary school, and the vote has always lapsed for want of being used. I do not know when the elementary school will be built.

There is also an urgent need to build a prison far away from the Island, for the present one, Fort Jesus, is overcrowded and unfit to use. (Hear, hear.) Early steps should be taken to build a prison about eight miles from Mombasa, and steps taken now to allocate a site for it. About 21 years ago a town planning expert was asked by Government to plan Mombasa, and he strongly recommended that Fort Jesus should be made a museum and library, but it still remains as an overcrowded prison.

While on this question of building, I should like to make one other suggestion, and a constructive suggestion, for going ahead with buildings concerned with Indian education and hospitals. I was at Nakuru on the 11th of this month in connexion with the select committee on the Immigration Bill, and I went to see the Indian hospital which is under construction. I learnt that the Indian community had contributed half the amount and Government the other half. I also learnt that a representative of the Public Works Department had said that it was not possible to build the hospital within the amount provided. Members of the Indian community undertook to build it according to the plans for the money and I believe it is nearing completion within the amount which had been provided. If the advice of the representative of the Public Works Department had been followed, that building would not have come into existence. We had a similar experience about 13 years ago in Mombasa, when we were told that a girls school could not be built in a certain amount, and the Indian community built it.

The same question has arisen in regard to the Nakuru Indian school. The Public Works Department representative says that, for the amount provided in D.A.R.A. it cannot be built according to the plans. Representatives of the Indian community assured him that they are prepared to build it according to plan in the amount provided. I therefore make one constructive suggestion, that wherever a responsible local committee is prepared to carry out the work accord-

[Mr. Patel] to the plans within the amount provided, their application should not only be sympathetically considered but should be accepted. (Hear, hear.) If it is necessary, we might appoint an *ad-hoc* committee of this Council to see that unscrupulous persons do not handle the funds, but if they really want to go ahead with public buildings the local communities should have the right to form committees and carry out the building programme. That is my suggestion, and I hope it will be considered and examined carefully.

Lastly I would say this, that I went on the 12th of this month to Kisumu and, though I was not well, I took the opportunity to visit the Indian farmers, and I held a meeting to discuss various matters. Particularly I met the Kilbos farmers, and I found that their land has deteriorated about 33 per cent to 50 per cent during the last 15 years. No advice has been given to them whatever from any quarter as regards doing something to preserve the fertility of the land. Another thing is that they grow sugar cane, and they are compelled to manufacture jaggery because the factory will not buy their sugar cane, and it is essential that they should be allowed to manufacture jaggery and, if necessary, export it to the United Kingdom.

Another thing was that one Indian farmer from Songhor came and saw me and complained to me that 50 of his cattle had died. He made appeal after appeal to the stock inspector to come and do something, but nothing has been done. He has again written to me to raise the question in this Council for that reason. Because he is an Indian farmer nobody appears to have taken any notice. I want to ask that some attention should be given to these Indian farmers in this small area in the way of providing expert advice for maintaining soil fertility, and to see that their produce is allowed to be used in this country or exported. Further, when Government is considering the question of raising prices, it should be noted that Uganda, which has a better output per acre of sugar cane and also a better output of jaggery or sugar, gets better prices than the Indian farmers in Kenya under the Price Control, or whatever control may be operating. In spite of

representations, I am told that no notice has been taken to reconsider the price of jaggery. I must say in this Council that from my experience I feel that these Indian farmers are not given a square deal, and somebody who may be responsible should see that something is done. (Hear, hear.)

Before I sit down I should like to say that it is high time that, as we are going to have an unofficial majority next year and also a Central Assembly where there will be an unofficial majority, all communities got together and created some conditions on which they can work; at least on the majority of questions, in co-operation. (Applause.) There may be questions on which we will never agree and will quarrel occasionally, and quarrel bitterly, but let us at least decide on a schedule of subjects on which we are likely agree and pull together, so that we do not always bark against each other all the time. In that connexion I appeal to the European community that, as they are placed in a position of leadership and influence, it is their duty to see that circumstances are created by which Europeans, Indians and Africans in this country can pull together for the future development and well-being of this country. (Applause.)

DIRECTOR OF EDUCATION (Mr. Patrick): Mr. President, in his budget speech my hon. friend the Financial Secretary referred to the education estimates as a severe headache. Now, some headaches are reasonably accounted for and easily cured. This particular type of headache is easily accounted for, but I know of no progressive country that has yet found a complete remedy.

Sir Bertrand Glancy and his committee on educational expenditure may be able to provide palliatives by suggesting appropriate means of increasing my department's contribution to the income of the country, and it is worthy of note that even at the present rate of fees, the estimated income for 1948 is well over £100,000. The increase shown in these estimates for recurrent expenditure is £73,139, and I hope at the committee stage to be able to persuade hon. members to raise this figure to at least £80,000, which would be a 15 per cent increase on last year's figure. £18,000 of this increase is due to normal increments and to increased cost of living allow-

[Mr. Patrick] and the balance is almost entirely due to the increase in the number of children in schools. It may be taken as axiomatic that the increase in cost is proportionate to the increase in the number of children in schools, and so long as every ship coming to Kilindini brings about 100 new children to these shores, then it must be expected that the estimates of my department will increase.

Next year the number of children in Government European schools is expected to increase to 2,875, an increase of 15 per cent, and in the Government Indian schools to 12,080, again an increase of 15 per cent. It is, therefore, obvious that an increase of 15 per cent in recurrent expenditure is not excessive. The estimated expenditure is slightly less than 74 per cent of the colony's revenue, and it is the lowest percentage allotted to education in the East African territories for 1948. There are one or two poor West Indian islands where less than 7 per cent of the revenue is spent on education, but in the majority of colonies the percentage is considerably greater. In Ceylon, in the early days of the war, the percentage of revenue spent on education actually reached 16 per cent.

As far as capital expenditure on European and Indian education is concerned, I have very little to say. Our main problem is not altogether financial, but one of getting erected buildings for which funds have been provided. The staff position is now much easier and, if means can be found to obtain the accommodation required, I feel sure we can supply an efficient educational system.

As far as African education is concerned, agreement has been reached between the Government and the local authorities whereby the local native councils take responsibility for expenditure on primary education, while the cost of teacher training and education above the primary stage is to be met from central Government funds. It is true that a Government grant equal to a Sh. 2 rating is to be paid to the local native councils, and I had hoped that at least half of that grant would be allocated to education, but from information I have received recently it would appear that almost all of it will be required for existing services other than

education. My personal opinion is that this grant is inadequate.

No plan for African education has yet been approved. Two plans have been turned down by the Advisory Council, and a third has been prepared and submitted to Government for consideration of the financial implications. This latest plan is based not on a financial ceiling, as were the other two; but on the scale of development which the provincial education officers considered reasonable and practicable. If accepted, this plan, as the hon. member—Mr. Mathu feared, will lay a very heavy burden on local native councils, but despite that fact, I think that, if Government makes reasonable provision for secondary education and teacher training, the local native councils will be prepared to bear their burden willingly.

I appreciate the point which His Excellency the Governor has made on more than one occasion, that social services cannot be expanded if there is no money to pay for them, but His Excellency has also made it very clear that there is a great dearth of well-educated African men and women to provide wise leadership, and for this among other reasons I would ask that at the committee stage sufficient funds should be provided to enable my department to take the first real step in the development of African education by providing the services which will be necessary under any plan of development. Whatever plan is adopted, there will be, even at the end of ten years, over 40 per cent of African children reaching manhood with little or no education, but for them the future is perhaps more hopeful owing to certain experimental work which is to be carried out by Unesco—United Nations Educational, Scientific and Cultural Organization. This body, under the brilliant direction of Dr. Julian Huxley, plans to undertake a pilot project on what is known as fundamental education. This term "fundamental education" describes a process especially designed for backward people, whereby trained personnel, using modern scientific aids, instructs the whole community, parents and children alike, in agriculture, health, nutrition, co-operative community life, in addition to making them literate. I feel sure that this type of education will be of the greatest value to the mass of the African

[Mr. Patrick] people, and probably much less expensive than formal school instruction. In today's East African Standard some further details of this fundamental education are given.

As far as technical and vocational education is concerned, the training depots at Kabete will continue during the coming year to provide short courses for ex-askaris. In January, 1949, the N.I.T.D., or Centre B as it is now known, will revert to the Education Department and be reorganized as a trade school for civilian youths. My department had planned to open first-year classes for carpentry and masonry at the Jeanes School in January next year, but provision for these classes has not been included in these draft estimates, and I would ask that the proposal to include provision for this, especially in view of the great shortage of trained artisans, be favourably received at the committee stage.

The hon. Member for Trans Nziya preferred an apprenticeship scheme to a trade school, I think I could agree with him if we could be sure that a sound apprenticeship scheme could be put into operation in this country, but I am informed by those who should know that this is not possible at present, especially in the building trade.

With regard to the Kenya Girls High School, nothing would give me greater pleasure than to see the foundation stone of the new school near Nairobi well and truly laid, so that we would know with more certainty when these two schools—the Kenya High School and the Nairobi Primary School—could be separated. It has been so easy matter to administer two rapidly growing schools, each with a very zealous principal, on a site which was sufficient for only one school. It has been like trying to keep on an even keel and a set course a boat with two very strong-minded skippers, and the sooner we have two boats the better! (Laughter.)

I strongly support the hon. Member for Mombasa's proposal to create an overseas bursary fund, and I trust that, if this proposal is adopted, the fund will be sufficiently large to facilitate the granting of assistance to needy and worthy applicants of all races.

The establishment of centres for the training of African women teachers at Embu and Vihiga is certainly overdue, but it is fully expected that they will be ready for occupation in January, 1949. In the meantime, very good work has been carried out at the Kabete centre in premises kindly lent to us by the Church Missionary Society.

With regard to the proposed secondary school for African girls at Kikuyu, a draft lease and a draft constitution for the board of governors have been prepared and will be submitted to the Advisory Council for approval at its next meeting. Here again, in order that secondary education for African girls who qualify for it may be carried on while the new school building is being erected, arrangements have been made by the Church of Scotland Mission to conduct the school with effect from January next year, on a grant-in-aid basis.

The hon. Member for Central Area, Mr. Cocker, gave comparative figures for European and Indian education, quoting the number of students in respect of each community and the respective cost. The differences can be accounted for as follows. First of all, there are differences in salary scales, and these differences are not peculiar to my department—they are common to all branches of the service. Secondly, there is the difference that in the European schools a greater proportion of the teachers are qualified. This difference should disappear in time as more and more students and teachers take advantage of our new teacher-training centres. The third difference is that a greater proportion of European children are in the secondary or more expensive stage. That again should gradually level up, but it may be some consolation to the hon. member to know that European parents meet very nearly half the total allocation for European education, whereas fees in Indian schools came to less than one-fifth of the allocation.

The hon. member was also somewhat perturbed at the fact that we had not appointed a permanent principal to the Government Indian School, Nairobi. My department attaches so much importance to this school that it has placed it in the charge of our Indian inspector of schools, whose good work I am happy to say the hon. member much appreciated. Mr.

[Mr. Patrick]

Kazim, who came to this Colony during the year to advise the Government on Indian education, has made certain recommendations regarding the staffing of this school, and in his full report, including this question, will be considered by the Advisory Council at its next meeting.

The hon. Member for Western Area expressed the hope that something would be done about the Indian schools at Kakamega and Kericho. I assume he was referring to boarding grants. More than £1,825 has already been paid to Kericho, and in this year's estimates there is provision for a grant of £2,500 for the Kakamega school. We are awaiting particulars from the school committee as to what building has been done, and if the buildings are completed before the end of this year, the grant will be paid.

The hon. member also asked why responsibility allowances could not be paid to Indians, as they were paid to certain Europeans. The answer to that is that, according to European salary scales, no distinction is made for a post of special responsibility, whereas, according to the Asian system, an Indian teacher, can be promoted to a higher grade when he is appointed to a post which carries more responsibility.

One point I forgot to mention in connection with technical education was that during the year a committee was appointed to prepare the way for the establishment of a technical institute, and this is planned to be laid on the foundations of the Nairobi evening classes which are being expanded as quickly as possible, and it may interest the hon. member Mr. Patel to know that this institute is planned to cater for all races.

Now, if hon. members will permit me, I should like to take an example from the hon. Member for Aberdare and proceed from grave to gay.

The hon. member for the Central Area (Mr. Cocker) told a parable about a duck that sat so long on its eggs that they became addled. I do not think for one moment that he is suggesting that all of us in the Education Department are bad eggs, but there is no doubt that the duck represented the Education De-

partment. I know there is a moral to the story, though I am not sure whether I understood it aright. Apart from the fact that it is better to put a hen on a setting of eggs than a duck, even though they are duck eggs, it should be remembered that all the time the old hen or duck is sitting on the eggs—it was not suggested it was a wise old bird—it is not idle; it is performing a very natural task! (Laughter.) And I can assure the hon. member that as far as our plans for new schools are concerned, we have been busy, and all the preliminaries leading up to the erection of the buildings have been completed.

However, the whole parable was so delightfully vague that it reminded me of an old Hyde Park orator who used to boast that his collic dog was the cleverest creature in London because it could do one thing that no man in London could do! (Laughter.)

I beg to submit.

Mr. TRENCH (Rift Valley): Mr. President, I have been happily out of this country for the last five months, and have cut myself off from the joys and sorrows that existed. When I came back the other day I was naturally interested to find out what the general opinion was about the Government and how they were acting, so I took the trouble to see as many people as I could in the last fortnight. When I came into this Council I was a firm supporter of what I might almost term the present regime, and when I travelled around the country I said "You wait, if you want men of action they have got top-notchers in the Government service and you will get the goods delivered sooner or later." We had a declaration of D-Day when bowler hats were to be collected and thrown up, and I faithfully believed in action. But I must say quite categorically that I am disappointed.

I am not going to fall in congratulating some hon. members on their speeches, but it is not going to be on the other side of Council. I am, extraordinary to relate, going to congratulate the hon. Member for the Coast: I think he made the most admirable and forthright speech about the Government of to-day in this country—he was sincere, he was honest, and I believe it is the

[Mr. Trench]

opinion held by the vast majority in this country. This Government to-day is earning a reputation for being better and better on paper and weaker and weaker in action, and I am very sorry indeed to say that, because hon. members on the other side are skilled and keen, and I would be the last person to decry their efforts. But I believe we have to be honest in our opinions and say so. From the speech of the hon. Member for the Coast I did catch a sense, possibly of jealousy or frustration, because he mentioned another person I wish to congratulate, that is the hon. Member for Nairobi South. He put that hon. Member for Nairobi South in a very high position, as being a man who could turn to Government and say "When father says turn they all turn." Well, I would like to feel that the hon. Member for the Coast will not fail to achieve that position in regard to what he said the other day. It is not his fault that he has so far not achieved the position of being a father!

The point I wish to make about this reduction of income tax is this. The hon. Member for Nairobi South, in my humble opinion, is almost entirely responsible for forcing the Government into that action. I think it is entirely due to his credit that, step by step, he forced the hon. Financial Secretary and his advisers down the road that they had come up so easily and thought they could still continue to pursue. I think he has achieved considerably more than would appear on the surface. They have retreated down that road. It would appear that if a good cause is fought in this Council by the unofficial members of not only the European community but by the Asian community and they join forces, then we shall get further with good government in this country. I hope that that road will continue to be blocked until such time as there is more equitable distribution in the collection of revenue.

Now I will turn to the budget. There is, I am afraid, a mentality developing in our high financiers over a period of years—because since 1939—no word almost say that revenue has been steadily outstripping expenditure. I have got figures here for 1939 to 1947, but the last two are definitely estimates, though

they will prove my contention. In 1939 there was an excess of net revenue over the estimates of £139,000-odd; an excess of net final expenditure over the draft estimates of £138,000-odd. We spent 95 per cent of the increased revenue. We go on and get the same picture right through. We get our draft estimates put before this Council. Our financial experts know very well that revenue is buoyant and is going to increase. During the year that extra revenue is spent. I know that in 1943 and 1944 there were extenuating circumstances—shortage of food I grant—but, nevertheless, right through, if one looks at the list, there is that tendency: "There is more money coming from revenue, therefore we will spend more on increased recurrent expenditure." I suggest that the time has come when we have got to alter our mentality.

Cannot we people on this side of Council realise where the ability and agility of the Irish is leading? I know the Irish—(laughter)—I was born and bred among that wonderful people, so beware! (Laughter.) They are leading you along the path they wish. The very same people you are following so blindly will turn round and come right back on you, and you can take it from me that this state of affairs is not entirely the fault of the financial advisers of the Government; it is our fault, too. The European community in this country asked for increased services, and when their representatives agreed there is a shout of "What are we doing?" At the same time we have to battle on this side for a reduction in taxation and that, to my mind, just does not fit, and the sooner this side of Council realizes that if they demand increased services somebody has got to pay for it and that they are the only people who are going to pay the better—

THE PRESIDENT: Will the hon. member address the chair?

MR. TRENCH: Sorry!

Now we are altering the procedure on this budget. I, rightly or wrongly, claim a good deal of responsibility for this altered procedure. I was one of the recalcitrant members of the European community last year who bitterly opposed a very great increase, £280,000,

[Mr. Trench] goes and above the original draft estimates. If this Council goes into committee, is it not first of all going to lay down certain particular principles of how we are to set about the adjustment of this budget; for otherwise this procedure is going to be worse than the first as we will be expending time and money to no purpose.

I should like to ask the hon. Financial Secretary what is happening about the recommendations of the Efficiency Committee. He has praised them very highly and so on. While, naturally, I do not want a full statement from him. I should like to know if Government is taking any action on any of the recommendations they have made up to date, or whether, as we hear they are charming fellows and everybody likes them and so on, that they will gradually get tired and weary and will be forgotten, and the answer will be a lemon as far as increasing the efficiency of the Government machine.

The next point I should like to make is over the Labour Department. I praised the Labour Department up in no uncertain manner last year, and still do so, but I am just beginning to wonder if, after what I heard the hon. Labour Commissioner say, he is not getting too idealistic, too technical, and a bit of an armchair critic. One point which made me say this, and I say it in all friendliness and so on, was that he pointed out that the ambition of the African is not met or the ambitious African does not rise in the way he should be able to because if he is picked out of a gang then the employer says—and this was a general statement or I make the general statement—the rest of the gang would demand higher wages. Any employer of labour in this country well know, and Government well knows, that time and again an employer has been most anxious and, in actual fact has tried, to encourage the ambitious African by increasing his wages and so on, and we well know that in time when he reaches a certain level everything crashes and he returns very often to a lower level than when he was drawn out of the gang. I suggest that it is not by any means the case that an ambitious African cannot get on in this country. He can. He can go right to the top, and can get wonderful wages, almost anything, if he will

only stick to his job and go steadily up the ladder. (Hear, hear.) But when he gets a bit of the way up he crashes. There are very few Africans in this country who know what determination is, stability, sticking to your job, and earning your way—for what it is worth, but as far as the European employer is concerned there is always that opportunity. We shall still go on and try to encourage the ambitious African. (Hear, hear.)

The hon. Member for Ukamba mentioned something about the Belgian Congo and, while not as widely read as him, I have in actual fact visited the Congo. One thing that struck me when I was there was the fact that on the Kenya side of that border stealing was rife, indiscipline was rife; yet when one went over to the other side you were struck, from what one heard and saw and the opinions expressed, with the fact that there is going and that sort of thing was almost non-existent. It does seem to me that it might be a very good thing if the hon. Member for Law and Order, the hon. Chief Native Commissioner, and the hon. Labour Commissioner, paid a visit to the Congo—(hear, hear)—and just saw for themselves, and may be come back with some useful information that might help to improve not only the European in his handling of the African, but the African in putting out a better day's work.

As regards prisons, I should like just to say a few words. The prison population of this country has doubled since 1939 and, while the hon. Member for Trans Nzoia spent most of his time yesterday in describing how Jerome spent his day when he was a free man, I would just like to say one or two words on what I think ought to happen to Jerome when he is the guest of His Majesty. There is no doubt about it that for the African to go inside and serve three months, six months, one year, or two years does not worry him. It would not worry me if I were in his position—we'll looked after, well fed, going out in the morning and doing this with a knife, backwards and forwards, cutting a bit of grass, *chakula* at 12 o'clock, learning to march in step back to prison in the evening—it would be as good a life almost as I get when I am free.

That is not the intention at all—at least, I have not been inside yet—(laughter)—

[Mr. Trench] that is not the intention, to make prison life enjoyable. It is no stigma on the African to go to gaol. I agree with the hon. Member for Aberdare's idea of battalions of Africans in the Northern Frontier. What I want to see is prison life made thoroughly unpleasant—pack drill (humane, admittedly, but unpleasant)—so that when the average African goes inside and has had a little taste of pack drill and so on he says: "Never again will I go inside." That is what we want, and I hope that those people responsible will endeavour to make life inside our prisons less enjoyable than it is at present. Otherwise it is just like education, just like health, we shall go on and on and on.

As regards health and education, I am quite convinced—not only does it apply to the European, but it applies to every community in this country—that, until there is either local rating for the European community, and the Asian community, and the African community, or some form or other of direct taxation, so that each community can then see the direct result of their efforts, so long will we continue to get this perpetual demand for increased health services and increased education services. At the present moment these services far outstrip the capacity of the country to provide for them. If every community had their own funds and got what they wanted, and saw what they were getting, then I think the whole thing would be on a much sounder footing and, if I may say so to the hon. member Mr. Patel, a more responsible attitude will be shown by all communities.

As regards most control, I cannot support more wholeheartedly what the hon. Member for Trans Nzoia said about this question of milage. It is astounding to me that, after 20 years in this country of helping to organize co-operative societies and helping in the organization of various industries, to-day we have to get up here in Council and start such a harangue again on such a simple matter, and I hope that will be put right immediately by the hon. Member for Agriculture.

One other point about controls, and that is the Produce Control. I believe there are occasions when the Produce Control over-buys beans, or whatever it

may be, and asks for tenders. I should like to ask Government to agree that, if tenders are put out, they are put out by the Central Tender Board and opened by the Central Tender Board.

Income tax. I should like to ask—I am not quite sure of his designation—the hon. Commissioner for Income Tax when he hopes to finalize the assessments, or get out assessments, for 1944. It is really shocking that there are taxpayers who still have not been assessed for 1944, and I would support the plea of the hon. Member for Aberdare that, because of these terrific arrears that have occurred, when he does eventually catch up he will not bear too hardly on them and claim the whole two or three years in a very short time. I should also like to ask him to tell us about his new department and the results he hoped to achieve over this question of evasion; whether it is paying its way and so on.

I heartily agree with what the hon. Member for Native Interests (Mr. Ohanga) said about tourist traffic: "Let the tourists of the world not only go through the Highlands, let them go through the native reserves. We have for years on this side advocated that the world should see the native reserves. It is no credit to us, I agree, but there have been too many conducted tours by Government officials to places that are bright and beautiful, and it is high time we got down to commonsense and let the world see. Let them go uncondemned to the bad places as well as the good, let them see where we have failed and where we have been successful, let them see where the African behaves himself and where he does not. It will be of mutual benefit to everyone."

I think that is just about all I have to say. Once again, I should like to stress that, if the whole of this Council when it goes into committee is going to get bogged down in detail, then let us return to the ordinary previous procedure as the last state will be worse than the first.

I beg to support.

The debate was adjourned.

ADJOURNMENT

Council rose at 12.48 p.m. and adjourned till 9 a.m. on Thursday, 27th November, 1947.

Thursday, 27th November, 1947

Council assembled in the Memorial Hall, Nairobi, on Thursday, 27th November, 1947.

The President (Hon. W. K. Horne) took the chair at 9.05 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 26th November, 1947, were confirmed.

PAPERS LAID

The following papers were laid on the table: By Mr. Foster Sutton—Police Department Annual Report, 1946; by Mr. Thornley—East African Airways Corporation Report, 1946.

ORAL ANSWERS TO QUESTIONS

No. 81—RELEASE OF OFFICES, ETC.

MR. VASEY:

Will Government please state: (a) How many premises in Nairobi suitable for office and/or business purposes are occupied by (i) the Kenya Government, (ii) inter-territorial departments, (iii) other semi-government and military organizations and departments; (b) Whether, in view of the great demand for this accommodation by business firms, Government has taken steps to review this position with a view to making more premises available to the commercial community; (c) If so, what steps; (d) what business accommodation is likely to be released in the near future?

MR. THORNLEY: Yes, Sir. The facts are as follows:—(a) 20 premises in Nairobi, comprising 140 rooms, are occupied by the Kenya Government, 4 comprising 76 rooms by inter-territorial departments, 2 comprising 24 rooms by the War Department, one of which is occupied by the N.A.A.F.I., which is a commercial corporation, and 1 comprising 25 rooms by the R.A.F. (b) Government is fully aware of the great demand for this accommodation by business firms and a total of 100 offices has been released by the Government and the War Department since the 1st January, 1947. The situation is kept constantly under review, with a view to making more premises available to the commercial community. (c) Government has recently

purchased two Military huts situated in the grounds of Vermont Hall and is now carrying out structural alterations to convert them into 32 offices. (d) It is hoped that one of the huts in the Vermont Hall grounds will be ready for occupation by the end of November, and the second by the end of the year. The offices will be used primarily to accommodate Government departments at present in occupation of commercial premises, which will thereby be released for use by their owners. The Parcels Office, which at present occupies the ground floor of O.M.T. House, is to be moved into a new building shortly to be constructed in the Post Office compound and which it is hoped will be ready for occupation by the 31st of March next year. The War Department expect to be able to release the top floor of Derby House, where the Command Secretariat is at present accommodated, during 1948, but a firm date cannot be given; and the R.A.F. have planned to vacate the 25 rooms, which they at present occupy in Princes House, by the 1st of January next year.

MR. COCKER: Arising from that answer, could Government consider further accelerating the position by moving some of those departments outside Nairobi, for instance, the refugee organization?

MR. THORNLEY: Government will be only too glad to consider every possible means of alleviating the present position.

MR. VASEY: Arising from that reply, would Government be prepared to state from time to time what steps have been taken, in order that the information is laid before us at regular intervals?

MR. THORNLEY: Certainly.

No. 92—ENTRY PERMITS

MR. PRITAM:

1. Is Government aware that in certain cases the officer i/c Indian section of the Directorate of Man Power refused entry permits to Kenya born Indian youths who had gone to India for education and who have since been issued entry permits because of the intervention of the hon. Member for Law and Order; and, if so, will Government please state under what authority did the Directorate of Man Power (Indian) act?

[Mr. Pritam]

2. Will Government please make a public statement of its policy in relation to the re-entry of such Government and Railway employees who had retired after lengthy service extending well over 25 years and had acquired right of domicile and have freely been admitted back into the Colony hitherto but who are now being refused entry permits by the officer i/c Indian section of the Directorate of Man Power without assigning any reason?

MR. FOSTER SUTTON: The officer in charge of the Indian section of the Directorate of Man Power has no authority either to grant or refuse entry permits. He acts only in an advisory capacity to the Immigration Authorities. Government is aware that entry permits have, in the past, been refused in some cases. Such cases do not, however, occur now, and whenever an application, previously refused, has been renewed, an entry permit has been granted.

2. The policy is to grant entry permits to such persons, provided they have property or other financial interests in the Colony.

I understand, however, that entry permits have been refused in some cases, but instructions have been given that unless it is clear that any such person, including a pensioner, has abandoned his domicile in the Colony, an entry permit is to be granted.

If the hon. Member knows of any case where hardship has been created, and he will be good enough to bring it to my notice, I will cause the case to be reviewed.

COMMUNICATION FROM THE CHAIR

By H.E. THE GOVERNOR

At 9.10 a.m. His Excellency the Governor (Sir P. E. Mitchell, G.C.M.G., M.C.) arrived, and the President vacated the chair in his favour.

His Excellency delivered the following communication from the chair:—

Honourable members are aware that I have just returned from a conference in London with the Secretary of State and the other Governors and Governors Designate of African territories, and will expect from me an account of it.

A very wide range of subjects was on the agenda. There is scarcely a territory in Africa in which changes in the constitution of the central or local authorities of considerable importance have not taken place or are impending in the near future; for example in the case of Kenya we have in hand, in addition to the changes in our own Legislative Council, the establishment of the High Commission and the constitution of the Central Assembly.

In addition, development plans have been made and agreed by the legislatures and a considerable amount of new staff has been recruited. The time has come when important economic developments are about to be launched in many territories while the substantial expansion of social services which had been planned has now to be re-examined in the light of the economic situation.

I do not need to remind honourable members that not only are there before us all a number of very important financial and economic questions affecting the Colonies in a general way, but the present acute situation raises special problems of its own.

It therefore appeared to the Secretary of State that it would be useful for the Governors and Governors Designate to meet and examine these questions to a general way, not only to make sure that we were all pursuing the same objectives, subject, of course, to our considerable local differences of circumstance, but that we should have the advantage of each others' views and experience. I can say that the conference fully justified the Secretary of State's belief that it would be useful and that I have derived great benefit and help from our discussions.

It was not the business of the conference to make decisions by resolution on matters of policy, legislation or administration, but rather to review these matters, to make sure that there are no misunderstandings, to hear the views of the Secretary of State and his advisers, and to enable us all to see the picture as a whole so that the decisions we might propose to our several legislatures and Governments might conform to the general Imperial policy and interest and also to such international obligations as have been entered into by His Majesty's

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Government in the United Kingdom and are binding on us.

We found the strongest determination on the part not only of our own Secretary of State but of His Majesty's Government as a whole to promote the development and well being of the Colonial Empire and the clearest realization of the particular importance of Africa to the economy of Western Europe and of Great Britain in particular and of the great opportunities for our territories which the present world situation has created. I will refer to this again later, but for a fuller discussion of it I invite your attention to the speech made to us by Sir Stafford Cripps.

The conference reviewed a good many matters affecting the public service, its recruitment, training and management which I may describe as matters of regimental detail with which I need not take up your time.

I do not want to keep you while I go into detail about other, wider subjects, but there are some administrative matters in which I think you will be particularly interested. In the first place, it is clear that the time has come when existing Colonial Regulations and, in fact, the general form of the control exercised from London over Colonial territories needed re-examination. African Governments generally have grown considerably in stature since the last full dress review of matters of this kind and general agreement was reached that the time has now come for a revision of existing practice and regulations with a view on the one hand to leaving more responsibility in the hands of the several Legislative Councils and administrations, and on the other to simplifying relations between the Colonial Office and Colonial administrations and to devolving upon the local administrations responsibility for a good many things which at the present time, in form at any rate, are the responsibility of the Secretary of State and therefore of the Colonial Office on his behalf. Revised instructions and regulations are to be prepared as rapidly as possible, and we shall then have an opportunity of examining specific proposals in Executive Council. This will leave the fundamental constitutional relationship, in which the ultimate responsibility is that of the Secretary of State to Parliament,

unchanged, but will carry a considerable step further the devolution of functions to local legislatures and administrations and in particular will relieve us all of correspondence with London on matters of detail. One of these proposals was that the annual estimates should no longer require to be approved by the Secretary of State after they have passed the Legislative Council. That approval has for a long time been little more than a formality and will now no longer be required; but the Secretary of State will still be in a position to exercise a broad general authority because it lies with him, should he deem it necessary, to advise His Majesty to disallow the Appropriation Ordinance—as to that I can only say that any Colony which sent forward such an Appropriation Ordinance that the Secretary of State felt obliged to advise the King to disallow it, would deserve it.

The conference also reviewed progress in local government and accepted a memorandum which sets out the more important general principles and which I hope to publish in the near future. The memorandum is in fact in conformity with developments and practice here, which is satisfactory, but even so its publication should be helpful.

Another important question discussed was that of public relations. As I have already said to honourable members, I am not myself satisfied that we have got this matter right yet here in Kenya and I have no doubt that, the discussions in London will prove very useful to us out here and will help us to improve our arrangements.

As regards social services, we were able to reach general agreement in broad outline on matters of policy in respect of education and medical and health services. Admittedly, statements of general policy in matters of this kind are apt to be couched in rather vague terms and in any case general policy must be acceptable to the legislature concerned and be adapted to local circumstances, and the rate at which effect can be given to it must depend on the finance that can be provided and the staff which can be engaged. None the less, a broad general statement of common policy is a useful thing to have on record.

[H.E. the Governor]

Important economic matters were discussed and the conference had the great advantage of being addressed by Sir Stafford Cripps just before he became Chancellor of the Exchequer, and by Lord Trevelyan—the latter on the subject of the proposed Colonial Development Corporation. The text of Sir Stafford Cripps' very remarkable and impressive speech will be laid on the Table of this Council today and I believe that honourable members, when they study it, will realize first the great urgency of all measures which can increase the productivity of the country, and especially those which can earn dollars, and secondly the great opportunity which present circumstances offer to Colonial territories. For if it is true that the needs and difficulties of the United Kingdom are great and must enlist the sympathy and desire to help of all of us, it is equally true that they hold out to us unexpectedly bright prospects of energetic development and enterprise in these matters we shall not only be helping our Mother Country but we shall be making an important contribution to the development of this Colony and opening out wide new opportunities for its people. I hope honourable members will regard what I have to say today as being closely related to the text of Sir Stafford Cripps' speech.

It would take too long to go into detail this morning, and in any case there has been no time to work out details, but I ought to say that I am more convinced than ever that the Government of the Colony must continue unceasingly to address itself energetically to all practicable projects for increasing production of crops, animal products, minerals, timber, and in fact anything which offers a reasonable prospect of success and of a profitable market. The discussions and investigations necessary to adjust our production programme to the present situation have already been undertaken and all I need say now by way of example of what is being done is that we have already overcome the initial difficulties in the way of developing an important trade in frozen pig carcasses for Great Britain and we are investigating the possibilities of expanding other meat supplies on the

basis of adequate cold storage plants and factory abattoirs. I am aware that there is now an acute shortage of meat locally, but I am also aware that with about half our cattle population—the Southern Rhodesia Cold Storage Commission is able to produce more than three times our number of carcasses, and we must manifestly set ourselves a very much higher target.

As regards marketing of primary products generally, while the many difficulties were fully ventilated at the conference it can be assumed—indeed, we had Sir Stafford Cripps' own authority, elicited during discussion, for saying so as well as that of the Secretary of State for the Colonies—that provided producers are organized in an appropriate manner, as so many are in this Colony, the interested Ministries in London will be willing to negotiate at any rate medium term contracts for that part of the product which they wish to buy for consumption in the United Kingdom. That has been our practice for some time here and it is encouraging to know that it appears probable that it will become permanently accepted in London as a means of orderly marketing of Colonial products.

It is as well to note that there are great obstacles, which are likely to increase, in the way of obtaining guarantees of fixed prices and that contracts are likely to take the form of undertakings to buy within the limits of specified floor and ceiling prices, a type of contract that can be very satisfactory. It should also be noted that over by far the greater range of the commodities produced in East Africa there is at present no world price in the pre-war sense of the term which can be quoted as such, for free market operations, where they exist at all, generally apply to but a small proportion of the commodity in question: the price in the Argentine or Canada or Australia therefore has no real bearing on the price in East Africa. In these circumstances it may not always be easy to devise a satisfactory basis for price negotiations, anyhow in theory, since accurate detailed costs of production for most farm products and some other Colonial exports are often almost impossible to substantiate. Nevertheless, there is generally the existing price as a starting point, and the more that producers can

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organize themselves efficiently so as to be in a position to produce evidence of production costs or their variations, the better. They are in great difficulties in the United Kingdom and must be expected therefore to make the best bargains they can for themselves when it comes to negotiating contracts; but they can be trusted fully to make fair agreements, and they will certainly not attempt to bring any official pressure to bear in negotiations of this kind.

The conference had the opportunity of hearing the views of the Agricultural and Veterinary Advisers to the Secretary of State on agricultural production and other matters connected therewith. Broadly speaking, those views are in line with the policy, actions and intentions of the Government of the Colony, and I have no particular comment to make on that subject.

We also had a long and useful discussion on the subject of scientific research of various kinds, and the best ways of organizing it and ensuring that it is vigorously carried out. As honourable members know, our research organizations are at the moment undergoing a more or less general reorganization, and by and by we can be said that they are practically all of them inter-territorial in scope. The principal difficulties with which we have been contending at this end will, I hope, be largely resolved when the High Commission is established next year, and with the assistance of Sir George Sandford and Dr. Worthington at headquarters, and, in the case of agricultural and veterinary research, of Dr. Kean and Dr. White in control of the organizations. The Secretary of State is going to examine the London end of the business with a view to removing any defects which may be found to exist, and it is hoped also to propound shortly terms of service for scientific staff which will in practice enable it to be recruited on such flexible terms that it can return to the institutions and universities in the United Kingdom from which it has to be obtained after periods of service in Africa. There is no doubt that a serious obstacle to recruiting high-grade scientific staff has been the unwillingness of people of that kind to detach themselves permanently from scientific work in the United Kingdom. That is a diff-

culty which will, I hope, disappear when the new terms of service have been agreed upon.

Another important matter to which our attention was drawn was fish farming, about which we had a most interesting address from Dr. Hicking, the Fisheries Adviser to the Secretary of State. I must confess that I had not at all realized the immense possibilities of this, and I was greatly impressed by Dr. Hicking's address. Steps are already being taken about this in the Colony, and it certainly appears as if there are prospects of a very important additional source of valuable food from fresh water fish farming on modern lines.

As regards mining policy, as to which there has been some misunderstanding, the recent White Paper issued by the Secretary of State was discussed and explained fully, and the conference expressed its general agreement with the principles set out in the Paper and noted that a general policy of nationalization was not intended, but that Colonial Governments should preserve an open mind regarding State operation of mineral deposits in individual cases where there might be special reasons for special procedure. For the rest, I had better take this opportunity of saying that this Government will do everything in its power, other than price subsidies, to assist anybody who has an actual or potential mining project which can be shown to be likely to result in useful production. This applies not only to gold but also to certain base metals, of which particular importance attaches to kyanite.

As regards capital goods for development, the position is undoubtedly extremely difficult, primarily because of the shortage of steel, and we can only expect allocation of goods of this kind to us if we can show that they are likely to lead to increased production. It is important that it should be widely realized that money capital is no difficulty to-day—or rather that the difficulty is to find projects for capital and not capital for projects. The difficulty is in the short supply of capital goods of most kinds needed for development and also of many kinds of consumer goods without which it is not to be expected that the incentive to work can be maintained, let alone increased.

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As regards import policy generally, I hope to circulate very shortly a statement which will clarify the position as regards those classes of goods which are in free supply in the United Kingdom and available to us, and others to which the criterion of essentiality must continue to be applied.

This, however, is one of the most perplexing aspects of the whole matter, for the United Kingdom has wound up its war machinery for programming and directing export of goods and the simple fact is that accurate day to day information is not available. Our Commissioner in London is in close touch with everyone of importance in this matter, not only in Whitehall but in industry and commerce, and he and his office are doing a grand job, but in many cases they simply cannot get for us the plain answers we should like to have. I see the Nairobi Chamber of Commerce has again asked for the abolition of imports control, and I may say that no one would be better pleased than I to do so. But we cannot at present do it, and if we did I am sure we should suffer serious diminution in what we are able to import. If any means can be devised for simplifying or improving it, I shall be happy to consider it.

It occurs to me too that a trade delegation either from Kenya or East Africa might with advantage go to London at a very early date, where, with Mr. Norton's help, they might be able to do useful work in clarifying the position. If that proposal appeals to the Chambers of Commerce, I hope honourable members would be agreeable to making a substantial contribution to the expenses involved. I might interject here to say that in practice to-day trade delegations are going about all over the world, and it appeared to me to be, in fact, the only way in which we shall really get the information we need, because nobody in London has got it on record and can hand it out to you.

In answer to a question of mine, Sir Stafford Cripps emphatically agreed that one of the most useful things this country could do quickly was to establish on a really substantial tourist industry, particularly from the United States and Canada. That, in fact, means among other things hotels, hotels and roads,

and we shall turn our immediate attention to that. I have reason to believe that private capital and enterprise is likely to be available in substantial quantities for hotel construction, but I ought to add that if it does not become active in the matter in the very near future there will be no alternative but to consider direct Government intervention. It may be that in the case of hotel construction an appropriate way would be for the High Commission for Transport to undertake it. But be that as it may, accommodation of this kind has got to be greatly improved and expanded, and if no one else will do it, why, then, some form of Government agency will. Since I prepared these notes I have been told that there is some difference of opinion in the Building Control also on this matter. (Laughter.) That will, of course, have to be put right. On the subject of roads there is little to be said except that the Development and Reconstruction Authority is fully alive to the urgent need for improvement, and is taking active steps to carry out the approved programme so far as present difficulties permit. A Committee is now sitting to consider the advisability of establishing a separate road fund to be administered by a Road Authority, and it is expected that this Committee will present its report at an early date.

The Secretary of State discussed with us his proposal to hold a more general conference next year and will shortly be sending invitations to the Legislative Councils and the Central Assembly in East Africa to participate in that conference about the middle of October next. I hope it may coincide with a general re-union of Commonwealth and Empire. Parliaments being organized by the Empire Parliamentary Association which will make the occasion all the more stimulating and interesting. The Secretary of State hopes that it will be possible for the conference to be given an exposition of the policy of His Majesty's Government in matters affecting us, to have discussions on some matters of common interest to all the delegations, and to consider on a regional basis those matters which are of particular concern to East and Central Africa on the one hand and to West Africa on the other. He also hopes that it will be possible to arrange for delegations to meet leading personalities in public life

(H.E. the Governor) and to see something of interesting developments in the United Kingdom. I feel sure honourable members will welcome the opportunity to send a delegation, and when the invitation is received I shall hope to discuss with them its composition. I take the opportunity to add that, hearing that the Empire Parliamentary Association are thinking of sending a delegation to East Africa early in 1948, I ventured to take it on myself to extend on your behalf a very warm invitation to visit Kenya. (Hear, hear.)

I fear this statement is very general in form. It is the best I can do so quickly after my return, but I felt that honourable members as they were actually in session in Nairobi would wish to hear from me a report of what has occurred in London.

Before I close I would like once more to emphasize the imperative need at this time for really actively devoting ourselves to every kind of increased production and the organization of tourist traffic and the accommodation for it. To do this it will, I am sure, be necessary to obtain the consent of the Standing Finance Committee to have considerably less detailed control over finance for development projects than has in fact grown up in the course of the last two years, but I hope that they will be able to feel such confidence in the agencies of Government which have been established for these purposes as to agree with me that those who have these tasks to carry out must be free from the necessity of continuous reference back in detail for financial authority, and that a broad general authority in respect of the various projects should suffice.

There are great difficulties. Equipment is hard to get, especially if steel is involved, as it usually is; the position in that respect is clearly set out in Sir Stafford Cripps' speech; materials are in very short supply, especially cement, of which we shall certainly not secure our requirements until local cement works are in production, for even if we could buy the cement we need we could not get the ships to bring it here. Sir Stafford Cripps made that particular point, that there was a demand for cement all over the world but there was simply not the shipping to meet it, even if they could

spare the cement itself. Existing railways here and elsewhere cannot procure the stores and rolling stock they require and are working under great difficulties to keep their services going, so that new construction—and there are urgent projects of railway construction needed for important developments—new construction accentuates their difficulties.

As to building, be it for housing, offices, industry or such things as schools, it seems to me that we have got to face the fact that we cannot for the present maintain the standards to which we have become accustomed, any more than the people of the United Kingdom can: we have got to revert to something much more like pioneering standards or go without (hear, hear)—and a great deal of building is essential and we cannot go without it.

Nevertheless, in spite of all the difficulties, formidable as they are, if everybody concerned can be animated with the spirit of confidence, enterprise and improvisation, there is no doubt whatever that we can achieve a great deal which will be of the greatest benefit to the Colony and can at the same time do something to help the people of the United Kingdom who have made such sacrifices and are enduring such great hardships as a result of their heroic efforts during the years of war. (Applause.)

KENYA WEDDING PRESENT TO H.R.H. PRINCESS ELIZABETH

— His EXCELLENCY: Before I leave you to your deliberations I should like to add that, with the approval of Executive Committee—and I understand after certain consultations with members—I offered on behalf of the Colony to Her Royal Highness Princess Elizabeth as a wedding present a camp in one of the national parks in Kenya, to be selected in due course by the appropriate authorities. Although Her Royal Highness felt obliged to say that she could not undertake to visit the Colony as a result of accepting the present, I am very happy to be able to say that she has indicated her willingness to accept the present. (Applause.) The offer, indeed, gave her very great pleasure.

His Excellency retired, and the President resumed the chair at 9.40 a.m.

DRAFT ESTIMATES, 1948

REFERENCE TO COMMITTEE OF COUNCIL.

The debate was resumed.

COMMISSIONER OF CUSTOMS (Mr. Johnston): Mr. President, there are only two points which have arisen out of this debate on which I propose to speak, and I shall do so very briefly.

The hon. member Mr. Thakore, in the course of his remarks dealing with controls, drew attention to certain regulations affecting the Imports Control and to the fact that the Commissioner of Customs was mentioned therein. I think he overlooked that those particular regulations were amended in 1943, with the result that wherever the words "Commissioner of Customs" appeared the words "Imports Controller" were substituted. The position is that since 1943 the Commissioner of Customs has had no jurisdiction over Imports Control, and the question of the delegation of his powers does not arise.

Since I took over the Customs Department, about a year ago, a considerable portion of my time has been taken up with staff problems, and not the least of these difficulties has been that of housing. I was very glad to hear the hon. Member for Mombasa draw the attention of Government to the deplorable conditions under which Government servants are living in Mombasa, and I think the thanks of both Europeans and Asians are due to him for bringing up that point.

Speaking as far as the European officers are concerned, their Housing Committee has a thankless task in trying to allocate accommodation with non-existent houses. There is a list of 44 European officers, all of whom are awaiting houses. We heard two days ago from the hon. Director of Public Works that it is proposed to build a hostel next year to house bachelors, and I think the figure of 12 was mentioned. That will not meet the needs of the married officers, and I have a case in the Customs Department of a married officer, his wife, and two children living in one room, cooking on a primus stove.

Hon. members on both sides of Council will appreciate the fact that a disillusioned officer soon becomes discontented; and that state of affairs does not lead to efficiency.

I am very glad to have the opportunity to draw attention to the question of Mombasa. I am well aware it is not housing. It is a very serious problem peculiar to Kenya, but I should be very glad if Government would give very serious attention to this problem promptly. (Hear, hear.)

MR. THORNTON: Mr. President, I should like, if I may, before dealing with points which have been raised by hon. members opposite during this debate, just to refer for one moment to the debate on the Flewman Committee Report. I do assure hon. members opposite that I have every intention this morning of appearing the whole time in what they will perhaps regard as the more respectable role of a member of the Government! But I should just like to make a point with regard to a remark which was made by my hon. friend the Member for Mombasa. He, I rather got the impression, assumed that, in stating my view that income tax should be maintained at its present level, I had forgotten the position in which the low-salaried person on a fixed income is finding himself now. He mentioned that these particular people—I think he actually used the words—are really feeling the pinch. I certainly did not forget that class of person. I had them very much in mind. What I did fear at that time, and what I still do fear—and I admit it is that just those people may possibly find that they have more to lose through rising costs than the few pounds of relief that we can give them in income tax. I hope that will not be so, but that was my fear, and I did very much have that class of person in mind.

My hon. friend the Member for Nairobi South dealt, as have any other speakers in the course of this debate, with the question of the direction and control of labour as being something which is really necessary if we here are to pull our full weight in helping the United Kingdom through the present sterling/dollar crisis. My hon. friend the Acting Labour Commissioner dealt very fully with this subject. He gave it as his personal opinion that, so far as conscription—if that was really what was meant—of labour for private employment was concerned, he did not like the idea and did not think that it would be right to introduce it. I must say that I agree with him, and I think I ought to say a little more. To introduce

[Mr. Thornley] conscription would be contrary to international obligations which we have assumed, and it would also be quite contrary to the settled policy of this Government.

But having said that, I would go on quickly to add that this Government shares to the full the desire which has been expressed by hon. members opposite, that we should make the best and fullest possible use we can of the labour potential in this country, in the interests of all who are in this country. As hon. members know, Government has authority, under the Compulsory Labour Registration Ordinance, to conscript labour in certain circumstances for work of direct importance to the people conscripted to do it. The exercise of this authority is in evidence to-day down at Makueni, where the Wakamba are working very much in the interests of the Wakamba on the settlement scheme at Makueni. We hope that the work, which is now being done there will be of lasting benefit to the tribe who are doing it.

I might also mention, while on this subject, that the Government has at present under consideration—no more than that—the possibility (and I was very interested to note that it is not very far away from the proposition which was put to us by the hon. Member for Aberdare) of setting up what might be called a labour corps to which might be sent just those vagrants, wasters and vagabonds who my hon. friend Mr. Mathu has so readily admitted should not, but probably will get food. If it should be decided to proceed with this idea, then it will be necessary for us to amend our laws in order that the tribunals and courts before which this sort of person is apt frequently to find himself, may be in a position to order that people of this category should be sent for a period to such a corps where they could be trained in a useful form of employment, with a view to their becoming more useful citizens thereafter. I throw out this idea, and Government will be very glad to have any views which hon. members may like to give upon it.

I was very encouraged in listening to the speeches of the representatives for African interests in this Council on this subject. (Hear, hear.) I do feel that, with the help they both pledged themselves to

give, together with a real effort by employers and employees, we may well get somewhere with this labour problem. I see no reason whatever why we should not do so, and very many good reasons why it is quite imperative that we should do so.

There was one other point, while dealing with labour, which the hon. Member Mr. Ohanga made in what, if I may say so, I thought a very good speech: He said that surely the time had come, or was shortly coming, when the Labour Department should cease interesting itself in private recruiting. I do not know where he got the idea from, that that is one of the tasks of the Labour Department. It certainly is not. The Labour Department has nothing whatever to do with private recruiting, and indeed this Government is again under an international obligation to see that it shall have nothing whatever to do with private recruitment.

The hon. member for Kiambu threw out a suggestion that it might be a good thing to ration domestic servants. Well, I was not here when domestic servants were rationed during the war, but the hon. Chief Native Commissioner, who was I think largely responsible for it as Labour Commissioner at that time, tells me that it gave rise to all sorts of difficulties and that it was a most unpopular measure, and after talking to him about it I do not honestly feel that it would be a wise thing to reintroduce now. I would prefer that we should leave the question to the good sense of employers who have their houses to look after.

The hon. Member for Aberdare viewed with horror—and, indeed, so do I—any possibility that we should have to fall back on indentured Chinese labour in this country. It would, I think, be a great tragedy, and I am quite sure we can rely on our African friends to see that no such necessity arises.

To pass to the speech made by the hon. Member Mr. Thakore, I think perhaps I should, as chairman of the committee set up over a year ago to consider and keep under review all our many controls, say that we have during this year done all we can to reduce the number of controls which burden our life. I do assure hon. Members that it has not been a mere formality that the members who serve on that committee (to whom I am glad to have this opportunity of paying my

[Mr. Thornley] tribute) should come in sometimes every week, more often every fortnight, to go through every single one of our controls with the men responsible for running them, and I can assure you that it is one thing to say that controls are unnecessary and should be removed; it sometimes becomes quite another thing when you listen to all the reasons why the controls are sometimes necessary.

The hon. Member for the Coast made—and I hope he will excuse me saying so—two characteristically exaggerated statements. (Mr. COOKE: Oh! Let us have some proof.) (Laughter.) He said that the Africans have completely lost confidence in the Administration. (Mr. COOKE: Hear, hear!) (Laughter.) I do not agree with him. My hon. friend the Chief Native Commissioner is in a better position than I am to deal with that particular statement, and no doubt he will do so. (Mr. COOKE: It was the Chief Native Commissioner's own statement!) The second statement he made was that there was chaos and inefficiency in all Government departments.

Mr. COOKE: On a point of explanation, I said no such thing. I said in a great many Government departments.

Mr. THORNLEY: Well, I beg his pardon. (Laughter.) But even so I am going to ask him how in heaven's name can be possibly make such statements? Nobody who has not closely examined the work of departments of Government and seen through them as it were with a tooth comb, has any right, in my view, to make downright statements of that kind.

Mr. COOKE: On a point of explanation, I have read the Efficiency Committee's reports which were circulated to the Standing Finance Committee, and they disclose very great inefficiency in many departments.

THE PRESIDENT: That is not a report that has been laid before the Council, I am told, and I doubt whether you should have used it.

Mr. COOKE: The hon. gentleman challenged me.

Mr. THORNLEY: Be that as it may, the hon. member's statement is one which I cannot and do not accept.

The hon. member asked for an assurance from Government that inefficiency

would not be tolerated, and that people who were inefficient—whether they were in high places or in more humble places—should have their services dispensed with. I will tell him that Government would most certainly agree with him whenever that inefficiency was inherent in the officers themselves. The Government would certainly not accept that view in circumstances where departments are not as efficient as they might be, for reasons quite beyond the control of the men operating and working them.

The hon. member referred to the need for encouraging tourist traffic, and I was proposing to say a few words on this subject myself, but after the Government statement made by His Excellency this morning I think perhaps all that is necessary has already been said.

As regards the development of roads, I will leave that to the hon. member himself. As a member of the Central Roads and Traffic Board, he is well placed to push his recommendations home in the highest quarter.

My hon. friend the Member for Mombasa was also concerned with this question of tourist traffic, and indeed he is a member of a committee to which I should like to pay tribute to-day, which has been giving a lot of study to this matter. It was on the initiative of that committee, under the chairmanship of Sir Guy Stirling, that a representative was sent to the recent Algiers Conference of the International Tourist Association. It was again at the suggestion of that committee that His Excellency agreed that an invitation should be extended to that Association to hold its next conference in Nairobi in 1949 and, as the hon. member mentioned in his speech, that invitation has been accepted.

While on this subject I should like to pay a tribute to Dr. Leakey, Dr. Leakey at the beginning of this year was very largely responsible for organizing a very successful congress on pre-history in Nairobi. I think there is no doubt that, as a result of that congress, Kenya has definitely been put on the map as a land which is rich in pre-history. (Hear, hear.) That is something which is certainly going to be of very great benefit to us in future years, the first evidence being the visit at the end of this year of a large party of Americans who are as interested in fossils

[Mr. Thornley] and that sort of thing as is Dr. Leakey himself.

I was glad to hear that my hon. friend Mr. Ohanga was interested in encouraging this particular development. And with all the other attractions that Kenya can offer, dare I just mention the additional attraction which I see in the alluring prospect of possibly seeing some morning in the Trans Nzoia my hon. friend the member, sitting on a dung heap, first of all going through all the mental processes of making his mind a blank, and then endeavouring to accommodate himself to a couple of hours of expectation? (Laughter.)

I think that my hon. friend Mr. Ohanga, and indeed the hon. Member Mr. Patel and the hon. member for Kiambu, were all interested in the value of the bursaries that we were awarding to our bursars at home. Well, how much money we can afford to put in the estimates for bursaries is a matter for the hon. Financial Secretary and for members of this Council at the committee stage, but once that has been decided I would suggest to hon. members that it would be best to leave to the selection boards themselves the decisions as to how that money can best be divided among the many applications we have for bursaries. I am not going to deny that £150 is too small a sum in these days for a bursary, but there are a great many factors which have to be taken into account when these applications are under consideration. I myself am chairman of the selection boards for all three communities, and I think we spent every afternoon in one whole week going through the applications to try and get the right answers. I promise to bear in mind the views expressed by hon. members when we come next year to consider the applications.

My hon. friend the member for Mombasa mentioned in his speech the question of the retention by Government of buildings or offices required by the commercial community. I trust he will take the answer which I gave this morning to a question on this subject by the hon. Member for Nairobi North as a sufficient answer to the point she made.

When the hon. Member, Mr. Mathu, in his speech stressed the need for a humane approach to African problems and was inclined more than once to couple it with shootings, I rather thought

—I may be wrong—that I detected an oblique suggestion that the regrettable instances we have recently had at Uplands and Fort Hall where shooting had to be resorted to, should not have occurred. Well, I cannot let that pass without comment, and I would refer him to the remarks made by His Excellency when opening this session of the Council, which make it clear that in the view of this Government, and indeed—as His Excellency explained—in the view of the Secretary of State, those regrettable instances of shooting were completely justified. I agree with the hon. member, so do we all, that all human problems should be approached in a humane manner, but I would suggest to him that there is need for that same approach on both sides. (Hear, hear.) Governments are providentially supposed to be thick-skinned, and so I suppose are the servants of Government; but I am afraid I could never agree that, however thick the skin of any Government official who was responsible to me, I could ask him to have stones thrown at him and to do nothing about it. (Applause.)

The hon. Member, Mr. Cocker, asked if I could tell him what policy was followed by the Transport Licensing Board. Well, I would refer him—I have not got very much longer—to the Transport Licensing Ordinance under which the board was set up. The powers of the board and the general policy on which the board must work are fully set out in the Ordinance. Briefly, the purpose of the ordinance is to ensure that wasteful competition in various forms of traffic shall be avoided—lorry traffic versus railway traffic, uneconomic competition, cut-throat competition between different private lorry owners, etc., and the board is required under the law to exercise its discretion in accordance with the public need and the public interest; and the public interest includes those requiring and those providing transport. In the matter of the allotment of road service licences, the suitability of routes, the extent to which the needs of any particular route is already served, and the desirability of that particular service in the public interest, all have to be borne in mind by the board. Quite obviously it is not everybody who is always going to be satisfied with the answer that he gets to his application. That is inevitable, but I do know that the board has a very

[Mr. Thornley] difficult job of work to do and I believe that it is doing it well.

The hon. Members, Dr. Rana and Mr. Pritam, and I believe one or two other members, have referred to the difficulties that we are up against in having an insufficient number of surveyors for all the survey work requiring to be done. Indeed, our development plans are being held up by lack of surveyors. We have done our utmost to improve this situation. The Assistant Commissioner for Surveys has recently been to London to try to recruit more surveyors, and he has informed me that I shall receive in due course, in the next day or two, comprehensive proposals for the training of African surveyors at the Jeanes School, and possibly later at Makerere. (Hear, hear.)

The hon. Member for Ukamba mentioned—and I am grateful to him for having mentioned it—that the annual report of the East African Airways Corporation for the year 1946 had not been laid on the table of this Council, as required by law. I am sorry that there has been delay in this matter. That delay has not been due to any neglect on the part of the Corporation itself. Their report was sent in to Government at the beginning of August. It could not, however, be laid on the table in this Council until after the Air Authority had seen and approved the accounts. That was done in October. The reason it was not laid before now, was, I am afraid, due to a misunderstanding between the secretariat of the Authority and the Secretariat of the Kenya Government.

The hon. member also asked for information about an item of £12,000 in the estimates for airfield guards. That is a requirement of the Royal Air Force, and there is on the revenue side of the estimates provision for reimbursement to full by the Royal Air Force.

The hon. member also was inclined to criticize the alarming cost of the Administration, and he wondered—and indeed, I have often wondered—whether the numbers of senior officers was right in proportion to the numbers of the more junior officers. I was not quite sure whether I myself was one of those who know less and less about more and more, or more and more about less and less (laughter), but I think that in a developing

country such as this we must for a time be prepared for annual adjustments to meet our needs. What is required one year I do not think will be sufficient probably another year.

The hon. member for Rift Valley, whom we are all glad to see back in his seat, made a speech on which I am afraid I really cannot congratulate him. (Mr. Cooke: That is a pity!) It is all very well for Government to be told it is utterly useless, but I am not sure that it is. The reference to Government as being good on paper and bad at everything else is a dreadfully outworn and out-moded cliché. I hear it so often, but nobody has ever told me what it means. He said that Government was good on paper—yet I, on occasions, remember being told that it sometimes took a long time to get answers to letters, and letters are paper! It is all nonsense, with all due respect, and I do not think that even the hon. member himself could tell me what he means by a government good on paper and bad at everything else. (Mr. Cooke: He no doubt knows.) (Laughter.)

I have not got a great deal of time left and I must press on. I am afraid I cannot agree with any of the hon. member's remarks about prison life. His remarks were based on a complete misunderstanding of the facts, and I will just simply deal with them now, as time is very short, by extending to him an invitation from the Commissioner of Prisons to go and see for himself. It is exceedingly difficult to answer one who holds such extraordinary views, and I was particularly puzzled when, as I thought he very benignly looked down at his leader and eulogized him as the father of the Government, responsible for the only good things that the Government had ever done—that at least was a welcome concession! (Laughter.)—the father who said "turn" and they turned. I looked hard at my hon. friend the Member for Nairobi South to see if I could detect any sign of what his reactions were. I could not. His expression was sphinx-like. I could not, however, help reflecting on the change which had come over the scene since January last, when that dreadful £283,000 suddenly appeared in the Standing Finance Committee report and caused such extreme perturbation to the hon. Member for Rift Valley. (Laughter.) It is possible that father was really in control during those

[Mr. Thornley] two fateful weeks in December, or were the children completely and utterly out of hand? (Laughter.)

If I have just a minute—and I think I have—I should like to answer one question put to me by the hon. Member, Mr. Patel, about the mails which arrived on the—"Kampala." I have consulted the Postmaster General, who tells me that these mails arrived on the 19th November, that they left Mombasa on the 20th, that they were sorted at the same time as a very heavy United Kingdom mail on the 21st. Both lots of mails were sorted together, and the sorting was completed at seven o'clock on the 21st November.

Having answered that question, I should like to end by congratulating the hon. member on what I thought was a quite splendid and statesmanlike speech. (Applause.) I do applaud and support very very strongly a request that all races should pull hand together whenever they can, and I believe that there is no greater need for this country is going to develop, as we all hope that it will. I am glad that he made the point and made it so well, and very much better than I could do. I endorse every word he said on the subject.

I beg to support.

MR. MATHU: Mr. President, I did not wish to interrupt the hon. member, but I should like to say, on a point of explanation, that I never said that what happened at Uplands and Fort Hall ought not to have happened, and the deductions he made on my remarks are not correct. What I was saying was that, as far as these things are concerned, they should be bygone and that in future the Administration should know the people better than it does at the present time.

CHIEF NATIVE COMMISSIONER (Mr. Wyn Harris): Mr. President, we have heard quite a lot about the old hands who have attended these budget sessions. As a complete newcomer, I must confess to feeling slightly appalled at the Kenya Government are flung into the arena, without anybody taking a great deal of interest in them. I assume that this has been going on for 25 or 30 years, ever since this Council took its present form. We, as Government servants, on this side, have hides like rhinoceroses! (Hear, hear) We

have to. We have been through the mill, most of us, at farmers' meetings up-country, so Legislative Council leaves us comparatively unruined! (Laughter.) What I am much more perturbed about is that these little remarks, so lightly flung into the arena here, are treasured by our enemies, enemies not of Government but enemies of the Colony—the critics at home, and I regret to say abroad; and you can rest assured that they will be served up hot and steaming when it suits them, to our detriment. I would appeal to this Council that, when it makes criticisms, to be quite certain they are correct, and not only correct but they cannot afterwards be used as scorpions to beat us with.

I would like to refer to the speech of the hon. Member, Mr. Patel, and add my congratulations to those of the hon. Deputy Chief Secretary. Towards the end he said something which all of us, I feel, have got to consider very deeply. We stand at the moment at the parting of the ways. At the next session of this Council we shall not have an official majority, and we are sending our representatives to the Central Assembly. It is quite clear that we are bound to have racial issues, we cannot help having them, as there are three races; but I beg every person in this Council and in the Central Assembly to cut out racialism and remember that we are one colony, and we can do it. (Hear, hear.)

Having said that, I will turn to my own subject, which is native administration. I can only say that certain members on the other side of Council have stretched out their chins, dropped their guard, and positively invited me to hit them. I cannot resist the temptation, and am going to do so! (Hear, hear.) It was Bob Fitzsimmons, I think, who said: "The bigger they come the harder they fall," and I propose to start with the hon. Member for the Coast! (Laughter.)

He said that the African has lost faith in the Administration of this country. (Mr. Cooke; Hear, hear.) I do not expect to convince the hon. member, but some quotations of his are rather like the mythical quotation about the Sahara and Sir Harry Johnston. I refer to the Report on Native Affairs. I have read through that report and cannot trace it. In fact, on behalf of the Administration I deny that "the African has lost

[Mr. Harris] all faith in the Administration." That certain hoodlums are beginning to lose a certain amount of confidence in their district commissioners is true, and I hope their confidence in their kind-heartedness will continue to diminish, but that the average rank and file have lost confidence in their district commissioners I deny.

MR. COOKE: On a point of explanation, I made it perfectly clear in my speech that I was not criticizing individual administrative officers but higher administrative officers in this country, and that is reported as such in the *East African Standard*.

MR. WYN HARRIS: When we are talking of Government we are talking of the people of Government, senior and junior officials, and I as a member of the Administration and a more senior member am standing four square with the junior and the senior officers.

MR. COOKE: In order to defend yourself.

MR. WYN HARRIS: I am a senior member of Government, and as such take responsibility for any lack of confidence in the Administration, and take it equally with each Member on either side of me.

Let us admit there may be something possibly in this lack of confidence in the Administration. If it is so, I would call the attention of the Council to the fact that, in the last decade, the African has come into contact far more with the unofficial European and unofficial Indian than he has with members of the Administration. I would ask hon. members to remember that a very large number of our younger Africans joined the Army and had their education in Cairo and other cities of the Middle East, and it is not altogether surprising that there may be a certain amount of lack of confidence in the Administration when they come back. But, even with that, I do not admit that the average African has lost confidence in the Administration.

The hon. member referred to Karatina, as I think he did in a previous speech, as an illustration of the lack of acumen on the part of Government. I take full responsibility, I was district commissioner when the land was set aside, provincial commissioner when negotiations with the

European firms took place, and the Chief Native Commissioner who failed to persuade the Africans. I might say that you can take a horse to water but you cannot make him drink, but apparently the Irish say that if you take a horse to water and you cannot make him drink you blame "the rider." (Laughter.) (Mr. Cooke: If you are a rider, of course!) I do not think he will accept that, but this particular rider will say that some of the previous riders gave that horse a darned hard mouth!

Now I come to the question of national parks, and I admit that I have been the nigger in the woodpile. I discovered when I took office that the proposal was to sterilize as far as any settlement was concerned, 7,000 square miles of country in the Voi-Tsavu area, and whoever might have agreed, with my knowledge of the rigidity of land administration in this country I felt strongly that it was entirely wrong to agree myself until we knew whether it was possible for any portion to be settled by Africans. I am authorized to say that a substantial portion of that area will shortly be set aside as a national park (hear, hear), but it must be understood that certain areas lying between Teita and Taveta and actually containing one of our few permanent rivers will most likely be excluded. That it is not to say it will not be preserved for game. I wish to encourage tourist traffic and have a national park, but not to sterilize for all time 7,000 square miles. There must be a loophole, and if in future we find it is more economic to settle the Africans in that area we should do so. In the meantime that area will become a game reserve.

I do not propose to deal at great length with the direction of labour. The set policy of all colonial governments under the international conventions is that conscription cannot be used for private enterprise, and that particular convention applies to all non-self-governing dependencies. This Government is committed to a policy that all must work, and we have said it times out of number. It is said that it is "maneno tu", but I am proud to belong to a Government which has produced the accusation of "maneno tu" when I go back to such speeches as came from the two hon. African members in this debate. I am in entire agreement with the hon. Member, Mr. Mathu, and his proposals will go a long way in solving

[Mr. Harris] One of our major problems, the incentive to make the African work.

Famine relief. The hon. Member for Kiambu suggested that it should be cut out of the present budget. I am afraid I cannot agree. Famine relief has, in this debate, been called humbug, but I would point out that when foodstuffs are subsidized in Rhodesia it is "statesmanship", and when it is done in the Machakos reserve it is "humbug". The truth of the matter is that we were faced in Machakos in the middle of the war with an extremely difficult problem, and Mr. Hopkins, then district commissioner, and myself, then famine officer, went into the question whether we should go in for the usual method of compulsory labour before giving food or should subsidize, because it was perfectly clear we should have to do one or the other. If we charged full prices we would have reduced that tribe to poverty within three or four months. In view of the fact that practically every able-bodied man went out at work, particularly with the armed forces in Burma, we came to the conclusion that it would be foolish to go in for compulsory labour. Subsidization persisted after the war, and it is quite true there was a hiatus, when there was a large number of returned staraks in that area not working. Famine relief in that area has now ceased, and if we have to go back to it once again, hon. members can rest assured that the question of putting in famine relief works will be considered. I would, however, point out that Machakos employs 1,000 labourers whole-time on compulsory labour in that area.

"Famine relief" elsewhere is not generally famine relief as we understand it. In times of shortage they have imported, and there is no question of any expenditure by Government beyond the fact that food is moved from a producing area, like Nyanza, through control and put into the native area which is short. There are one or two other places where we have to use real famine relief from time to time, and no member of the Council could object to it, such as Turkana, which goes short periodically and the top end of Kitui, where food at times is transported at a cost of Sh. 35 to Sh. 40 a bag and people find it extremely difficult to live unless there is some subsidy.

One small point concerning the sugar factory. The question was, if conditions are not fit why were they not put right by the Labour Department? When I was Acting Labour Commissioner we spent most of our time seeing to quite a lot of things, and inspecting that particular factory was, I think, one of them. But the hon. Member for Kiambu has a complete misconception of labour control, and ability to run labour, if he thinks that when you have paid your labour and obeyed the law you will have a contented labour force. One of the reasons in that particular factory why things went wrong and they had a strike was that although meat was given out weekly it was given out by an under *myopara*, who favoured his friends against the workmen, and that is the sort of thing in labour relations which causes trouble.

One other small point was raised by the hon. member regarding charging fees in medical institutions, particularly dispensaries, and she indicated that it might be a good thing to put in turnstiles. The hon. Director of Medical Services is rather doubtful whether he will get them through the Imports Control. (Laughter.) I am much more worried whether we should get the patients through the turnstiles; I think a large number would go over! Anyway, I would ask hon. members to read that valuable report which has been laid on the table. I must agree in great measure that the African does like paying for his medical services if he can afford to do it. But there is this. We have to give services freely to the African who comes to a dispensary if he is poverty-stricken, and we have got to go into the question, is it possible to have remissions of fees in those dispensaries so that there will not be too serious peculation by the dressers concerned? I am of the opinion, but not, strongly, that the dangers of peculation and effect on the morals of the dressers would probably be more serious than the question of payment. If we have to raise further funds I should be more inclined to suggest that it should be by means of taxation in the areas concerned.

Now I propose for a moment to turn to the budget as far as the office of Chief Native Commissioner is concerned.

As His Excellency indicated, there is going to be a certain amount of reorganization and I hope it will be reorganization, which will enable

[Mr. Harris] senior officers of Government, if they have in fact lost the confidence of the African, which I do not believe, to get into closer contact with them and some of the things, which are going on in the native areas themselves. (Hear, hear.) I have always said that the maid of all work is the district commissioner. He is overworked and very often is not able to attend to half the little points of administration that our predecessors were able to do in the past. In consequence, we are trying to devise a method by which we can help. There is a queer thing called social welfare, which nobody really understands much about—I did not myself when it was first mentioned, but when I delved into it it really means good administration. It is all the little things that matter very much in a district if you are to get close contact between a district commissioner and his people, such things as information—you can call it propaganda, a horrible word, and I do not believe in propaganda. It is information—education—it is teaching a man all the hundred and one things which as a Government are driving at, and that is really education. It is the bringing forward the adult African into civilization.

In consequence, under the Chief Native Commissioner, are going to be placed the whole of the social welfare services and the Information Office, and it is proposed, and accepted by Government in principle, that I should have three assistants. One would be the social welfare adviser, and under him would be the Information Office. He would deal with education as far as it concerns the Chief Native Commissioner, he would deal with welfare and, most important of all, in consultation with the Education Department and myself, he would be in charge of Centre "C". Centre "C" will be the place at which we hope to train Africans to become civil servants, to train a man to be a proper citizen and a civil servant; it will not train veterinary instructors and the train veterinary instructors and social welfare like. It will also train social welfare workers, African assistant administrative officers, and even run chiefs' courses. But the main bias of this centre will be to teach the people concerned their relations with one another and their relations to the public. In other words, we hope to create really first rate African civil servants. And around that particular centre

the welfare services and the Information Office will be grouped. In the districts, welfare will be run by the district commissioners, and hon. members will find the title of "district assistants" in the estimates this year; they will be the social welfare workers in the districts. It is intended through these channels that we will at least be able to get our information right into the African reserves. I am not, in putting forward these proposals, asking for one penny more than is in the estimates at the present moment. The total effect is that I want a library, and a £50 salary, at present unpendonable to be made pensionable.

The second assistant to the Chief Native Commissioner will be the Judicial Adviser or, as he is going to be called, the Native Courts Officer, and he will be in charge of the native tribunals. I hope that during the course of next year we will be able to carry out drastic reforms in the native tribunals following upon the Phillips report. This officer will also be in charge of the anthropological research body paid for by the British Government and the correlating officer with regard to the investigations that have gone on for the last two years in land tenure in the Central Province.

The third assistant will be a district officer as assistant to myself, and he will be responsible for the other activities which pour into my office.

I hope that this will enable me to do the job for which I believe I have been appointed; that is, I should then be in a position to go round the provinces and districts and really make contact with district commissioners and find out what their troubles and difficulties are, because I can assure hon. members that at the present moment they are very great.

With these remarks—and I have beaten the bell!—I propose to sit down.

Mr. EORV (Nyanza): Mr. President, in his entertaining and forceful speech on Monday last, the hon. member for the Coast—who, incidentally, seems somewhat in demand this morning!—voiced some complaint that the budget did not sufficiently aspire towards heaven, but was cast on too pedestrian a plane. He may be right, but I am somewhat intrigued to think of the nimble footwork which will be required of him when he attempts to scale the heavenly ladder of

[Mr. Edye] expenditure disclosed in the estimates. Before, however, he can rise on any point of explanation (laughter); I hasten to assure him that I indorse to a very large extent the remarks he did make in regard to the depression or recession. No one will dispute the difficulties facing Great Britain and, indeed, many parts of the world to-day, but I entirely agree with him that we should consider that in solving these difficulties and in helping demanded of the colonies in that solution will naturally, and in fact, provide them with opportunities for considerable expansion. Indeed, we have heard from His Excellency this morning certain arguments on those lines.

The point made by the hon. Member for Trans Nziola in regard to the possibility of a slump in cereal markets, I venture to say is one not to be dismissed lightly. On the other hand, he did have an excellent reply to that from the hon. Economic and Commercial Adviser yesterday. Having regard to that reply, I feel that this is not the time to reduce expenditure on any productive service or any service likely to be of benefit to the colony over the next two years. I can, of course, support any member anxious to curtail expenditure on a department proved to be inefficient or on works that are wasteful and unnecessary.

One can, of course, develop the argument for and against depression to any length, but in the ultimate it is anybody's guess. My feeling is that we should be very chary of allowing the parrot cry of depression to influence our actions at this juncture; in other words, to use the elegant expression of that robust prophet in front of me, we should spend sufficient time on that fruitful dungheap which is the economic arena to a point where we can see sufficiently clearly in regard to world and empire affairs and how they are likely to affect this colony.

Speaking fairly late in this debate, it is not my intention to waste anybody's time by repetition of points made by previous speakers. After all, it matters little who makes them so long as they are made, but I should like to add my plea that the housing problem be tackled in a manner more appropriate with the time. I am particularly concerned with the effect this housing problem may have

on Government obtaining the staff urgently needed for essential services. I was told only recently by a senior official visiting this Colony that appallingly bad housing conditions militated very seriously indeed against the recruitment of personnel for the Kenya Service. When I say that I have had to go very high authority that a European police officer at the present moment, who is supposed to be accommodated in the single quarters mess, has his sleeping quarters in the Nairobi morgue, I think I need hardly say more. I understand that its official function has been suspended during his tenure, therefore the question of overcrowding does not arise. (Laughter.) But it does in a good many other cases, as we were forcibly told this morning by the hon. Commissioner of Customs, and I could not endorse his remarks more heartily. In connexion with that, I heartily support the suggestion made by the hon. Member for Ukamba. Most people infinitely prefer to be housed in decent sized houses of temporary materials than to have no house at all (hear, hear), and to say they cannot be made attractive or comfortable is—I will not use the expression I was going to—belled by the large number of such houses erected and used by farmers in this country for years. (Hear, hear.)

We have had the question of labour dealt with fully, but I would bring forward one point so far not mentioned. Government has fixed a higher rate of wages for employment within towns in view of the high cost of living in those towns. Wages for agricultural workers, as is the case all over the world, must necessarily be lower, and are generally lower than those fixed for the towns. This is inevitable where there is inefficient manual labour and where mechanization can never be more than partial. The natural result is that the towns act as magnets for a great deal of itinerant labour, and a large number of Africans congregate in them who are not employed and cannot obtain employment, with the result that they must live on their friends or turn to crime. I should like to suggest to Government that the question should be examined whether control could not be initiated or instituted in regard to the entry into towns of labour that is unlikely ever to receive employment. I am not advocating it for the purpose of making it irksome to my hon. African

[Mr. Edye] by any additional control. They are desirous of seeing the crime wave reduced, and I suggest that if we get some method of control of hooligans and unemployables in towns who are attracted by the higher wages, we might get some way towards solving that problem.

I should like to deal briefly now with the mining industry. When I say briefly, it is not because I consider it an industry lightly to be dismissed but rather because most of the matters can be better dealt with in committee. Last year, the hon. Financial Secretary, in presenting the draft estimates, laid stress on the importance of this industry in the development of the Colony, and spoke of his desire for its expansion. In speaking on those estimates, I raised several points to which a reply was made by the hon. Commissioner for Lands, Mines and Surveys. Bearing that reply in mind, I should be very glad if he will tell us what advances have been made by his department towards that expansion, what new areas have been opened up for prospecting, how far he has got in regard to implementing the five-year geological plan of programme drawn up by his department in 1944?

Similarly, the hon. Commissioner of Inland Revenue last year in reply to my question about gold royalty, stated, to use his own words, "Last year the Tanganyika Government invited a senior officer from the Mines Department of the South African Government to set up here and advise them as to the best method of changing the gold royalty? That officer's report is at present being examined, and as soon as the examination is complete Government will consider whether there is a case for altering the existing royalty on to the basis of an income tax figure after allowing for capital redemption." It is comforting to think of the immense amount of examination that must by now have been given to that report over the last twelve months, and I am wondering whether as a result of such labour, consideration can now be given by Government to the prospective industry.

I was very glad to hear my hon. friend in his reply last year admit that there might be a case for capital redemption, which principle is supported indeed in paragraph 2 of Colonial Paper 206 on the subject of mining policy, wherein is

recognized the fundamental difference between mining and other productive activities, inasmuch as the process of mining is in the nature of the realization of a capital asset, and since that capital asset must necessarily be consumed in the process of production, it follows that taxes on the profits of mining are to a greater or lesser degree taxes on capital. Unless the whole system of taxation provides for replacement of that capital over the period of the life of the mine, it is not a tax which we could call particularly fair and likely to encourage that industry. A sympathetic attitude, therefore, to this aspect would go some way to creating an atmosphere of reality to the otherwise empty words of encouragement which we have heard from the other side of Council for the past two years.

A Kenya Government spokesman not so long ago made use of the following phrase in public: "Gold means dollars, and dollars mean food for Britain, and every effort will be made to encourage the production of gold." Well, we have heard the words; perhaps we might now hear about the efforts. (Laughter.) I only hope it will not be a case of the Government official having to swallow his words, instead of Great Britain swallowing the food.

A very excellent paper on the mining industry was recently prepared by a well-known mining engineer, Mr. Soakie, in relation to mining problems in East Africa, and I should be interested to hear from the Commissioners of Mines and Inland Revenue whether they have had an opportunity of reading this document, and what their reactions are in general to these recommendations and criticisms.

Finally, on the question of mining, I am glad we heard this morning—as I was going to raise that point—His Excellency the Governor states that it is not the intention of Government to nationalize private enterprise, as was hinted at in Paper 206 in regard to mining, because after all, the whole success of a venture owes its success to the initiative and financial courage displayed by that private enterprise. (Hear, hear.)

I should like to turn for a few moments to the question of loans, particularly the raising of local loans for the purpose of financing capital and other revenue works, rather than meeting them, as we do for the most part at present, out of general

[Mr. Eley] I know there are certain difficulties in the raising of these loans, but I would ask Government whether they are now prepared to examine the whole question fully, with the genuine idea of surmounting these difficulties. I will not go into detail on this matter, as the advantage of using loan finance, where legitimate, must be obvious to all, and furthermore I believe that my hon. friend the Member for Nairobi North, who has plugged his theme in this Council for some considerable time, will deal with this matter in more detail.

Before sitting down, I should like to support the remarks made by other speakers on the need for careful examination of the whole question of finance in regard to educational and health services. I am not in any way advocating the curtailment of services which are necessary for the progress and well-being of this Colony, but I do most definitely agree that the time has come when we must call a halt to the increased costs of these services being continually met from general revenue.

In conclusion, may I heartily endorse the words of my hon. friend the Member for Nairobi South when he said there will be the strongest opposition to the continuation of a policy of taxation to meet expenditure without basing it on the capacity of the country to pay.

I beg to support the motion.

The debate was resumed.

Council adjourned at 10.50 a.m. and resumed at 11.07 a.m.

PAPERS LAID

The following paper was laid on the table:—

By Mr. RANKINE:

Copy of the address by the Governor to the Legislative Council delivered that morning and text of a speech by Sir Stafford Cripps at the conference of Colonial Governors in London.

DRAFT ESTIMATES, 1948

REFERENCE TO COMMITTEES OF COUNCIL.

The debate was resumed.

Mr. FOSTER SUTTON: Mr. President, I am sorry that the two African members are not here, because I propose to

deal with one or two points raised by both of them during this debate.

The hon. member Mr. Ohanga referred to, as he called it, the unsatisfactory position in the native locations in and around Nairobi. He described them in some detail, and I am forced to admit that everything he said about them is perfectly true. Conditions there are admittedly deplorable. They are almost entirely due to two facts. One, that it has, since the lapse of certain Defence Regulations, been impossible to control the influx of unemployed Africans into this area; and, secondly, to the fact that there is hopeless congestion in connexion with housing accommodation. The housing, in spite of magnificent efforts by the municipal authorities, has nowhere near kept pace with the increase in the population. There are thousands of people in excess of the available accommodation in the native locations.

The police are also not without their difficulties. In the locations in Nairobi there is only housing accommodation for approximately 28 constables and three N.C.O.s, and the location that they have to look after consists of something like 60,000 Africans. A police force of that size to look after 60,000 inhabitants is, I think everyone will agree, utterly ridiculous. (Hear, hear.) It is an impossible task. Apart from the lack of accommodation for the African other ranks and N.C.O.s, there is not one single available house for European personnel in that location. The European officer in charge is compelled, by reason of the fact that there is not a place to put him, to live a considerable distance away from his work. Moreover, since I am dealing with the position as far as accommodation is concerned in Nairobi itself, the ordinary African constable is compelled, through lack of accommodation, to live under conditions that I can only describe as a disgrace.

The new Commissioner of Police, as you know, only recently arrived here, and he has been travelling all over the country putting in an enormous amount of work surveying the whole position, and he informs me that the conditions in Nairobi so far as the police are concerned are the worst he has ever seen anywhere. In one case 26 men are compelled to live in a room 5ft. by 24ft. That is congestion enough, but, because

[Mr. Foster Sutton] there are no facilities for cooking, they also have to do their cooking in the same room. There are also no proper washing facilities. Some of the men are on day duty and some on night duty, and the result is that the men who come off night duty are frequently disturbed, because of the congestion, by the men coming off day duty. The result is that these wretched people can get little or no sleep. I only mention that because the Commissioner has given it to me as his considered opinion that it is impossible to expect tremendous things from men who are living under these conditions, because they are frequently tired out. They are expected to be smart and good in their appearance, but they have no facilities for making that possible, though I must confess that going round the city I have always thought that, in spite of everything, they are very well turned out. (Hear, hear.)

The hon. member Mr. Ohanga asked what we are doing about it. You cannot make a house without bricks, but what we are doing is this. We have already scraped up from other parts of the country where they can ill be spared a certain number of additional police. There is nowhere to put them in the location, so they have had to be billeted in the already congested central lines in Nairobi. Thanks to the municipal authorities, we hope to be able to obtain temporary accommodation in the Nairobi Stadium for them. They will then camp out there until such time as other more suitable arrangements can be made.

I do not know if my hon. friend Mr. Ohanga will agree with me, but I believe that there has recently been a distinct improvement in the position. It is steadily improving, and it is improving because the Commissioner has started an intensified drive in the location. As I say, he has increased the number of police that are available for duty there, and there are constant day and night foot patrols—properly organized and regulated foot patrols—patrolling the location. There are also mobile patrols which are constantly in operation, and the police have made a drive at the various gangs that have been operating there, and they already have 19 of the gentlemen locked up, on remand await-

ing trial. Five of the ringleaders have already been convicted and sentenced to terms of imprisonment and, I am glad to say, corporal punishment in addition to that. They also have under lock and key upwards of 150 other Africans who have no business in the location and are trouble-makers there.

I do not make for one moment that the position is all that it should be now, but we propose to make things so uncomfortable for the law-breakers in the locations that it will not be worth their while to continue trouble-making. It may take a little time to wear them down, but I can assure them that we are going to use every possible method to break up the gangs and to prevent the lawlessness that has been going on there. (Applause.) In addition, another means—it is an irritant only—that has been adopted is that we have been making a drive in connexion with non-payment of taxes. The police have been used, directed by administrative officers, and they are dealing with upwards of 60 cases a day, bringing in people who are tax offenders. That is all being done with the object of making things uncomfortable and trying to compel them either to take work or to go back from whence they came. Moreover, Government has under consideration the possibility of introducing legislation which, if we are able to do it, will materially assist in getting rid of these undesirable and controlling the influx into the various towns of the Colony.

My hon. friend Mr. Patel, and I think my hon. friend Mr. Pritam, referred to malpractices that have been going on, and I only propose to touch on it very briefly. What I should like to say is that there are always two persons concerned in that sort of transaction. I know we have had unfortunate experiences in connexion with one control (we all know of it), but, as I say, it takes two to create transactions of the type referred to, and I can say this, that if any person who has been persuaded to hand over any bribe to anybody, under any circumstances, is prepared, so to speak, to turn King's evidence and come along and make a clean breast of it, I am always prepared in a proper case to guarantee immunity from prosecution as far as he is concerned. I make this offer because I think that you will never, if there is

[Mr. Foster Sutton]

not a certain amount of security over the matter, be able to clear the situation up. I am glad to say publicly that in a proper case where I think it is right to do it, I certainly will guarantee immunity so far as the informer is concerned.

I have discussed the matter with my hon. friend the Member for Health, and the same offer applies in key-money cases in connexion with the Rent Control Ordinance. There is a good deal of that going on, and if only some of the people who have been asked for sums of money as key-money would come along and give the necessary evidence, then we could get after the people who are perpetrating these outrages against the law. Unless they are prepared to come along, nobody ever knows about it. We hear a lot in this Council and outside it about the practice, but it is never possible to put a finger on a case and bring the person concerned to justice. It is the same with receivers. I have had depositions from time to time, and we can never get anybody to come along and give the necessary evidence. It is always a case of vague statements, and when they are investigated you find that there is absolutely no proof and nothing to go on. With the co-operation of law-abiding members of the public we shall be able to clear things up in this country pretty quickly if only we can get that co-operation.

The hon. Member for Mombasa mentioned a thing which, although not under my wing, is rather a sore point with him, and I agree with him; I do not think the hon. Deputy Chief Secretary dealt with it. The hon. member referred to the conditions in the prison at Mombasa, Fort Jesus. Of course, it is hopelessly overcrowded, there are many more prisoners there than can be properly handled, and it is high time something was done about it.

The hon. Member for the Rift Valley said yesterday—I unfortunately was not in Council at the time—that in his opinion prisoners have far too easy a time of it. I do not know the prisons he is referring to, but I can take him, not on a conducted tour, to the place where the long-term hard labour prisoners work, and he will not think they are having an easy time. He is

probably referring to the gentlemen you see walking along with a piece of metal and swinging it and usually missing the one blade of grass they are aiming at, and apparently doing nothing at all. I have often endeavoured to have them chased up,—"agree—they are usually idling. If you notice, you will probably find two persons in charge of something like 100 men. That is one trouble, not enough supervision, and there are not the bodies to give the supervision. I agree it is unsatisfactory. But I do not agree with the hon. member that the hard labour long-sentence man is treated as if he had come to a home or an hotel; they have a pretty hard time of it.

The hon. member said he had never been inside a prison. I am very glad to hear that! If he ever had that misfortune I do not think he would find it particularly pleasant or too easy.

I should have said something more about the work of the police. I do not want to say too much about it, but in the locations they have ambushes arranged, and they are extremely active in that connexion, and I hope that it is not going to be easy for gangs to operate in the future.

Another thing which I am sure nobody has mentioned, but which hon. members will be glad to hear, is this. At long last, with the assistance of the hon. Financial Secretary, we have been able to find a new police training depot. It is only a temporary measure. It is the ex-internee camp situated at Nyeri. All the buildings are there, and it can be converted into a really good training depot with very little expense. I do not know how long we shall be able to keep the place, but it is certainly, as far as the police are concerned, a move in the right direction.

I am afraid that I have another headache for the hon. Financial Secretary. I am going back to him with a further bill which I hope I shall be in a position to present to the committee when it meets next week. I will not embarrass him now, but it is a fairly considerable bill, and we can argue about it in committee.

The hon. member Mr. Pritam said we ought to issue arms licences very freely. I do not know if he is really serious about it, because the Administration

[Mr. Foster Sutton]

have been going very slow on that. The hon. member Mr. Patel and some other Indian members will agree that, although it works hardship in some cases, it is the right policy at the present time. There have been suggestions that certain members of the Indian community have been acquiring arms and actually making lethal weapons. We have been going slow on it, because we do not want to issue arms licences *ad lib* until things quieten down and there is no danger of communal trouble. In certain cases it works hardship, but we must go slow and be cautious about it, otherwise we shall be accused of arming people for communal rioting and causing the death of people through the use of those arms.

The hon. member Mr. Pritam complained again about immigration. I am not dealing with it now because I dealt with it in my answer to his question this morning. I am doing everything I can to prevent hardship in the type of cases he referred to.

I do not think there is anything else, except to say a word about what was said by the hon. member Mr. Mathu. I entirely agree with him that you do not induce good relations and good feeling by shooting, and nobody on this side of Council thinks that one does. But I feel compelled to say that it is obvious to anybody who reads what he says that he must have been referring to the recent cases of shooting which occurred at Location 8 in Fort Hall and at Uplands. In the Uplands case the matter has been before the courts and the evidence has been fully available for those interested enough to read it for some considerable time.

I would like to point this out, that any person who is unbiased who read the evidence in the Uplands case, would be forced to the conclusion—that the police acted with the greatest restraint (Hear, hear.) I think they were admirable. Twenty of their own number were injured, they were faced by a howling mob which meant business, and dangerous business, for they were armed with pangas, sickles and bricks, and the police were subjected to an assault by this armed gang, as I say, consisting of hundreds of people. I think that in the result there were only three persons killed as a result of the police shooting, and I think we can count ourselves

extremely fortunate that the matter was not much more serious. The police acted with the most admirable restraint. They do not like that sort of thing, Government does not, nobody does, but if people choose to behave in that manner and attack the police, what do you expect the police to do?—To abdicate and run away and leave the mob in charge, or insist on maintaining law and order and deal with it effectively? In the same way in the Location 8 incident the firing only took place when a policeman had been injured and was lying on the ground injured. His small party was being pursued and attacked by a very large number of people, and that man's life was in danger, and it was while protecting him from the mob that the shooting took place.

I say again, and positively, that I think everybody concerned in both matters acted with most admirable self-restraint. (Hear, hear.) I cannot speak too highly in praise of them. No one was pleased about it, but I do say this, and I am sure the hon. member will agree, that we do not want that sort of incident. If he and his colleagues and other responsible people that if they have complaints and matters to bring to the notice of the authorities concerned, they should do it in a peaceful manner, such complaints will always be looked into and, I hope and trust, dealt with fairly. If only these things are done in a lawful manner there will never be a recurrence of that type of incident, because we do not seek them—they are thrust upon us. (Hear, hear.)

COMMISSIONER OF LANDS, MINES AND SURVEY (Mr. Robbins): Mr. President, first of all I should like to accept the invitation of the hon. Member for Nyanza to reply to some of the questions he raised on the subject of mining. I take this the first opportunity of doing so immediately after the remarks he made before the interval, not only because they are fresh in my mind but because I think he, and every other member of this Council, will agree with me when I say that the extraction and development of any minerals to be found in this Colony is a matter of the utmost importance to the economic development and national wealth of this Colony and that it is essential to reinforce an already

[Mr. Robbins]
flourishing agricultural industry with a flourishing mining industry.

Unfortunately, the hopes which I expressed during the course of the budget debate last year for improvement in the Colony's gold-mining industry remain to a very large extent unfulfilled. That is largely due to circumstances beyond control locally, for everywhere—including the main gold-producing countries of the British Commonwealth, especially South Africa, Canada, and Australia—gold-mining companies are faced with the same conditions of falling gold production against an ever-rising spiral in the increased cost of production. Various remedial measures have been considered from time to time to deal with the present situation, including the suggestion that the price of fine gold should be increased. I would at once point out that that is not quite the easy solution which some people think, and it has even been admitted in South Africa in influential quarters as likely to further seriously increase inflation. In any case, the present price ruling to-day is fixed by international agreement, and it is not within the power of anybody in this Colony independently to alter the ruling price.

The question of the price of gold is one of the matters dealt with in the paper which the hon. member mentioned as having been prepared by a certain mining expert. That paper, he will be glad to know, I read at the time it was published, and I thought, in all humbleness, that it was a highly scientific and technical document and gave a brief history of mining development in East Africa. The expert concerned went on to propose certain remedies which he thought were easily available to improve the position which gold mining generally finds itself in to-day. Most of them concerned relief in taxation, which I will leave to the hon. Financial Secretary. One important solution was suggested with which I heartily agree, the suggestion that every effort should be made in the very near future to carry out a geological survey of the Colony.

Hon. members will remember that the completion of the geological map of this Colony received high importance and priority in the Development and Reconstruction Authority report, and, as the

hon. member points out, it is a fact that such a scheme was prepared departmentally in 1944. Well, since that date we have had the advantage of a visit from Dr. Dixey, the Director of Colonial Geological Surveys, to this Colony and he has gone into the details of our scheme, as a result of which a scheme is now in preparation and an application is being prepared for financial assistance from the Colonial Development and Welfare Act, and there is reason to expect that the work, providing the necessary geologists are available, will be commenced during the course of next year.

With regard to the aerial survey which was also mentioned as a means of encouraging and developing prospecting and mining in this Colony, I am glad to be able to inform the hon. member that the staff and equipment have already arrived for the carrying out of a large aerial photographic survey of the more important areas of the Colony, and work is expected to commence in the very near future.

It has not so far been able to open up new areas for prospecting and mining during the course of the last 12 months. I explained the difficulties which existed in regard to opening up new areas last year. As the hon. member well knows, these difficulties are mainly of a mining and technical nature and not altogether within the control of my department. They are none the less equally important, however, and I can assure him that this question of reopening certain closed areas is constantly under review by the Government. I am glad to be able to say, however, that although no further areas have been opened, there is a hopeful sign in that some of the old prospects which have been lying dormant are now being reopened and explored, and I would say that that is largely due to the efforts of the staff of my department.

There are, however, not nearly as many prospectors in the field as I would wish, and steps have recently been taken to engage departmentally suitable people as Government prospectors for this purpose. This is a further step, to increase and encourage in every way possible the mining development of the Colony.

[Mr. Robbins]

Advice has also been sought from the mining consultants to the Tanganyika Government, who recently carried out a quick and extensive survey and examination of the gold-mining areas of this Colony. This was carried out at the special request of this Government by arrangement with the Tanganyika Government, and the consultant's report is expected to be received very shortly.

On the subject of mining policy generally, the hon. member—and I am sure every person interested in mining in this Colony—will have heard with much pleasure the announcement made this morning by His Excellency in regard to the mining policy as discussed in London. I do not propose to add anything to that, except to say that, from an examination of Paper 206, it is apparent that many of the items contained in that paper have been effective in this Colony for many years, and in many respects conform to established mining procedure and practice as applied in this Colony by the Mining Ordinance.

That is not altogether a very bright picture regarding the gold-mining industry, I am afraid, but there is a better prospect, I think, in regard to what may be called non-metallic or common minerals, and I am glad to be able to say that considerable progress has been made in the past few months in that direction. At the moment, there are three well-established and increasingly producing mines for kyanite, diatomite, and asbestos. These substances not only go some way to help in the building of the development programme of the Colony, but what may possibly be of greater advantage, they are dollar earners.

Turning to matters of land tenure, which have been raised by one or two members on the other side. The hon. member Mr. Thakors again raised the question of long leases for the shamba plots in Nairobi, which have been, and are still being, held for a number of years on temporary agreement for an indefinite period. This question has become very much of a hardy annual during budget sessions during the past few years, and I will not take up the time of Council in explaining the history of these leases because it is recorded in Hansard and anybody can read it. I

should like, however, to explain the present position briefly.

Before leases on the usual terms applicable to town plots can be issued, it is necessary to have a lay-out plan of the area concerned. Moreover, there are development difficulties by reason of the nature of the soil and the topography of the land which necessitates special sewage arrangements. These matters are receiving the attention of the town planning authority, but I am afraid that no great progress can be made in this instance owing to the mass of town planning and survey work to be done for all the townships. I am glad to be able to inform the hon. member, however, that the preparation of sewage services will not in any way prejudice the position of the present yearly tenants because, at the appropriate time, 99-year leases will be issued on terms and conditions which will include the payment of certain sums due to Government for development, drains and matters of that sort, including the preparation of title deeds.

The hon. member pointed out that these temporary leases first came into existence in 1903. That means that these tenants have been in occupation for a matter of 45 years, or of their successors, which goes to show that there is a great deal of truth in the oft-expressed dictum one has heard in this country before, that no form of tenure exists in this Colony which is as permanent as a temporary occupation licence. It may be for the reason that some tenants prefer the present indefinite form of tenure rather than a lease for a fixed term which would automatically come to an end.

The hon. member Mr. Pritam requested that some of the Crown land plots should be sold in townships in order to relieve the housing shortage. The rate at which residential plots can be made available for that purpose is limited by the amount of town planning and survey staff which can be put on to this work. During the past year or so a large number of such plots have been sold at Kisumu, Nakuru, Eldoret, and Thomson's Falls, and I expect that similar sales will be held at Kitale and Nanyuki in the near future, after which some of the places mentioned by the hon. member will receive attention.

[Mr. Robbins]

I am sorry that the two hon. members concerned are not in their seats at the moment for the hear what I have said. It may be that they did not expect to hear anything more than I have been telling them for the past few months.

The hon. member Dr. Kana raised the question of surveys, especially in regard to the standard of the examinations which is laid down in this country. On the subject of shortage generally, the hon. Deputy Chief Secretary has given information concerning some of the steps which are being taken in order to relieve it. I can add to that by saying that arrangements have recently been made for applicants with the requisite educational qualifications to undergo a course in survey work in the United Kingdom, and before entering the colonial service, and that we can expect our fair share of new recruits which are expected to be forthcoming from this source during the course of the next year or so.

With regard to applicants who wish to enter private practice in the Colony, which is governed, as I said, by the Land Surveyors' Ordinance, the position shows signs of improvement, I am glad to say. I have heard of three new individuals who are making plans, or have in fact already made plans, to start up in private practice almost immediately. Some improvement may also be expected in the number of private land surveyors practising in the Colony, although they may not be qualified to carry out surveys required for cadastral purposes, will perform a very useful service not only to the public but to Government, by carrying out topographical and contour surveys, and every advantage is being taken of the opportunity provided by these particular surveys.

I am fully appreciative of the impatience which quite a number of members of the public feel with regard to delays in land being made available for various purposes, in townships especially, and that, as I have explained, is largely due to town planning and survey limitations. I am also deeply conscious of the criticisms levelled at the department in this respect. The case is a simple one to diagnose. It simply means this, that there is not nearly enough staff to deal with the present

unprecedented demand for land throughout the Colony.

That is all I have to say on matters coming within my strict departmental purview, but before I close I should like to make a few remarks generally on the subject of taxation, especially in relation to the increased prosperity of the Colony and the burden of taxation which has been levied in the past.

The point made by a number of speakers during the course of the debate on the Plewman Report, and also during the course of this debate, that taxation should be placed at a level which is consistent with the capacity of the country to pay, and not on the buoyancy of the revenue receipts, is an argument which has been fully developed in the report itself, and the committee put a great deal of detailed work into collecting facts and figures and preparing a number of charts and schedules indicating the increased development, wealth, and prosperity of the Colony. It was, therefore, not a little disappointing for me to hear during the debate on the Plewman Report that very little attention was given by speakers to these very illuminating figures, and I propose shortly to draw special attention to a few of them.

The first set of figures I should like to draw the special attention of hon. members to is on page 8, paragraph 34, which gives the total annual value of imports and exports, and also the total value of land transferred between the years 1935 and 1946. There is no doubt at all that the committee placed very great importance indeed on these figures. In fact, I was informed, when I was having difficulty in producing those figures owing to shortage of staff, that they were vital to the report. In order to avoid any complications in regard to developing my argument, I am dealing with the actual figures as shown in the report, and not with any corrected figures by reason of the deterioration in the value of the £.

Hon. members will see from paragraph 35 of the report that the value of land transferred in 1935 was just over £800,000, and that figure rose in 1946 to well over £3,000,000—three and a quarter million, in fact. I will not examine in detail the figures of imports

[Mr. Robbins]

and exports, but with a hasty glance I think will give us very much the same sort of picture. These figures indicate that the prosperity of the Colony, based on that particular item, has increased threefold.

Turning now to Appendix K of the report, which gives figures of taxation revenue receipts during the same years, both direct and indirect, the figure has risen from £1,600,000 roughly in 1935 to over £5,000,000 in 1946. That also is roughly an increase of 300 per cent. So it seems to me that no case has been made out that the taxation burden of the Colony has outstripped the prosperity of the Colony during those years, and also that there is some considerable (factual) support for the independent views that my hon. friend the Deputy Chief Secretary and the Chief Native Commissioner expressed at that time, and also complete justification for the financial policy of the Government during those years.

Mr. BOUWER: Mr. President, I am always filled with joy, not when my hon. friend the Chief Native Commissioner leaves the chamber, but when he sits in his seat and listens to what I have got to say. (Laughter.) I believe that when he gets to his feet in that energetic way, he believes very much in the dictum that attack is the best method of defence.

I think he was just a little bit unfair, if I may say so, in the point he made about famine relief. I think that the point, that was being made from this side of Council, and this point has been made very often, is the same point made by the hon. African representative, Mr. Mathu, and that is, that "by the sweat of thy brow shalt thou eat thy bread." That is the point that has been made here. It has nothing to do with subsidies. (Hear, hear.)

Both he and the hon. Deputy Chief Secretary, I am sorry to say—because as a rule they are very, very fair-minded people, and I should like to pay a tribute to them because I know that they are—rather twisted, another point which was made from this side, and that is on the question of the direction of labour. (Hear, hear.) It was twisted to this extent, that it gave the impression that we on this side were asking for

conscription. I do not believe that the word "conscription" was used once. (Members: No!) What we are asking for—and it is linked with what His Excellency said this morning—is, that, because of the crisis in England to-day, and because it is necessary that we should produce the crops that the needs, there shall be direction of labour. (Hear, hear.) I may have missed it, but I do not think I once heard anybody state that direction of labour should only apply to the African. After all, if there is direction of labour in the United Kingdom for a certain purpose, and if it is conceded that we should do our utmost to assist the United Kingdom and the Empire generally, surely it is not too much to ask that there should also be direction of labour in this Colony if labour cannot be procured voluntarily and effectively in any other way.

When some members on this side of Council were speaking I had to pinch myself several times to see if I really was hearing aright and if I really was awake, especially when the sonorous voice of my hon. friend the Member for Aberdeen filled the chamber. It did appear to me that the lion was on the point of lying down with the lamb! It may be that it was because of the fact that, during this debate, we have only been allowed 30 minutes and that members on this side have not got into their stride; but that leads me on to the observation that I agree, with this limitation of debate, perhaps 30 minutes is not quite enough, especially for members on the other side of Council to refute statements made or challenges flung at them, and all the arguments we use to demolish your house of—I was going to say cards, but I will not use that expression! I think possibly that when the next budget debate takes place it may usefully be considered whether it would not be a good thing to lengthen the time to, say, 35 minutes, or possibly 40 minutes.

The hon. member Mr. Patel got in some very shrewd blows yesterday at one or two members on this side of Council when he spoke of the peculiar inconsistency—and that is what really made me wonder if I was listening aright—displayed by some members on this side of Council who kicked up a frightful row last year when the Standing Finance Committee recommended

[Mr. Bouwer] increased expenditure of £283,000, and a section of the Press of this country had quite a large part to play in that. Compare this with the complete lack of criticism this year, when an increase of no less than £800,000 is proposed to be added to the estimates. It is past all understanding, and I am certain that my hon. friend the Financial Secretary just cannot believe his ears either. I can scarcely resist this heaven-sent opportunity to make full play with his inconsistency, but I will not waste your time, and the only reason I mention it is that it is exactly this sort of thing that brings this Government and the people of this Colony into dispute. It is exactly this sort of thing that is seized upon by our enemies in other countries. They say we are only an irresponsible lot—we do not know what we want, and we blow hot and cold. That is the only reason I mention it.

I do not agree with my hon. friend the Member for the Coast that re-orientation is a good thing always. I think it is a waste of time most times, but in this case I do believe the Press of this country, or some section of the Press of this country, and the leaders of this country, should take what has happened last year and this year to heart and really do try and adopt a more responsible attitude. Very strong words were used last year—the words "they have betrayed the country" were used, I suggest, in a very irresponsible way—and I sincerely trust that in future when we are dealing with grave matters of moment in this country, these matters will be dealt with in a grave and statesmanlike way. (Hear, hear.)

Speaking of "statesmanlike" I should like to add my tributes to those members who have already spoken from the other side of Council, to the hon. member Mr. A. B. Patel. If he will allow me, I should like to congratulate him very much indeed on the co-operative way in which he made his speech yesterday, which augurs well for the co-operation of all races in this country in the future. (Applause.) I said last year that the several races in this country are here for good or ill. We can just do nothing about it, and we have to recognise that fact, and the sooner we get together and co-operate with one another

the better it will be for all of us. We have simply got to be complementary to one another. We each have a niche to fill in this country and, if we do co-operate together as we should, I believe that there is every prospect of us leaving a happy and prosperous future to our children.

As the hon. member Mr. Patel said, we are colleagues in a joint enterprise, and, I should like to add to that, we are not enemies scowling at one another over a fence. I think the trouble is fear. The European fears that the other races might reduce his standard of living. The Asian fears that the European wants to kick him out of the country. The African fears that all the other races are trying to make of him a slave for ever. There is no reason for any of these fears; but if what I have said is within miles of being correct, the sooner we get rid of these fears and the sooner we try and co-operate with one another, the better it is going to be for us, because the other way lies only misery, chaos and frustration. The hon. member Mr. Patel said he thought we could co-operate in some things. I believe there is no reason why we should not co-operate in practically everything that there is to do in this country.

I want to support the hon. Member for Rift Valley in his contention on a point that was made either by the hon. member Mr. Ohanga or the hon. member Mr. Mathu, that the vast majority of settlers of this country have no objection—indeed, they are very keen—to pay the highest wages they can to their employees provided that diligence and loyalty are shown, provided that reliability is shown. We are not demanding that from the African only. We sitting in this chamber know full well that those are the qualities that are demanded of any one of us if we want to get on in the world.

I should now like to say a few words about expenditure. As I said just now, I am quite certain the hon. Financial Secretary just cannot believe his own ears. There has been scarcely a word of criticism. In fact, all that most people on this side have asked for is more and more expenditure without in any way indicating how we are going to pay for it. (MEMBERS: No.) Perhaps if I develop my argument they will

[Mr. Bouwer] agree. There are two services in particular in respect of which more and more demands for increases have been made. These are the medical and educational services. Here let me say quite categorically that I do not ask that these services should be reduced in the slightest degree. In fact, I realise, as does everyone here, that if we do anything we should increase these services, but I will ask you and the Council to remember and think of the words that were used, the very wise words, if I may say so, by the hon. Director of Agriculture, and which were very much reinforced by the statement of His Excellency the Governor this morning. The words used by him, if I remember rightly, were that all was not well with agriculture and he pleaded for the extension of research in the agricultural and veterinary services on the score that, first of all, as I said before, all is not well with agriculture, and secondly, the whole of the economy of this country is based on agriculture and that without it we can have no possible stretch of imagination have any services at all.

It is quite logical, or should be logical, if that is so, to provide the largest amount of money you can possibly spare towards the services which are wealth-producing and which will, in fact, enable you at a later stage to get the social services which we all want. His Excellency said this morning in his address that social services depend on the finance available, and we are rather in danger of forgetting that sometimes. We want to get social services before we can properly pay for them, and it is rather like the argument—which came first, the egg or the chicken? It depends which is the egg, but I should like to add my tribute to that of the Director of Agriculture that we simply must make all the money we can available for further research services for agriculture.

I took the trouble to extract a few figures just to show you how alarming the position is really becoming. For years we have said, and I have heard the hon. Financial Secretary say, that education and medical services were becoming a headache and alarming, but we are going to get no further by just saying all the time that the position is

alarming. What we have to do is to get busy and plan what we are going to do if we are to prevent disaster, which may be on us quite soon. We may not be able to expand these social services in future and, indeed, may even have to curtail them.

I took out these figures. They are quite short and I think they will be rather illuminating, bearing in mind what the Director of Agriculture said yesterday and what His Excellency the Governor said this morning. These figures cover the years 1941, 1944, 1947, and 1948. In all cases the figures are expressed in percentages which the expenditure of each department bears to the tax revenue. That is important—it is tax revenue and not total revenue that counts, because that is the revenue from which you have to pay for services. For the years 1947 and 1948 they are estimates only. In 1941 the figure I have extracted for education is 5 per cent of the total tax revenue, on medical it was 8½ per cent and on agriculture—the wealth-producing department that really has to carry all the others ultimately—it was only 4.7 per cent. In 1944 education had risen to 6.5 per cent, medical to 7 per cent and agriculture 4.6 per cent; in 1947 education had risen to 10 per cent, medical to 9.3 per cent and agriculture 5½ per cent; in 1948 education was 10.5 per cent, medical 9.7 per cent and agriculture 5.8 per cent.

To my mind, these figures are really important, and I believe something has to be done at the earliest possible moment to plan for the future. In the years 1946 and 1947, when the Standing Finance Committee was discussing the budgets, they realised that this position was becoming very difficult indeed and recommended that Government committees should be appointed to go into alternative methods of financing education and medical services. Some months ago, I think, the Glancy Committee was appointed with terms of reference to allow alternative methods of financing education, but one grave error was made, and that was that one of the most important sections of the Education Department was left out, education for Africans. I would ask Government to either appoint another committee to go into the education of Africans, how that is to be financed, or widen the terms

[Mr. Bouwer]

of reference of this particular committee to deal with that matter as well.

We also asked for a committee to go into the question of financing the medical services. As far as I know, I am speaking without the book; nothing has been done, except that nice little paper the hon. Chief Secretary is waving at me, which does not touch the fringe of the problem. All they ask is, can the African pay cash? We know that is not the only thing that can be done. It is essential; if these services are to be extended and not, indeed, to be curtailed, that we put the financing of these services on a much broader basis than they are to-day. It may be that what is wanted to be done, is that the person who receives the services, both educational and medical, will pay something towards it, some part of the finance will be provided by central funds and some part should be provided by local funds. I do not know. What I am asking is that we shall see the red light in time and plan now, so that it is not necessary in a few years to find ourselves in the position where we simply cannot carry out these social services to the extent that the country needs them.

I would just like to say a few words about the revenue estimates.

The Plewman Committee concluded, after an intensive investigation, that the revenue resources of the Colony could not be expected to remain at the present high level and could be expected to have a tendency to decline to a distinctly new and lower level. That was the conclusion come to only a few months ago, and the hon. Economic and Commercial Adviser yesterday, who was a member of that committee, pointed, to my mind, and I was very pleased to see it, a very rosy picture, but when experts like the hon. Member for Trans Nzoia and the hon. Member for the Coast can differ so widely in their guesses as to the national income it indicates that we know nothing at all about it. (Laughter.) (Mr. Cooke: Exactly what I said.) It is amusing in a way, but it is a very serious matter in another way.

Here we are, starting to build a house. We do not know how high it is going to go, how much stone there is under the foundation, and we are just going

on blindly. I think the hon. Director of Public Works would tell you that in practice you are likely to have a very bad building if you go on like that. Therefore I suggest something we have asked for time after time, and an excuse is always given; that there is one thing to do at the earliest possible moment—to find out what the national income is, because unless we do that it is quite impossible really to plan ahead for the future.

I am a believer in the future of this Colony. I believe we will go ahead, but in spite of what one was told yesterday by the Economic and Commercial Adviser we have had experience of the past to show us that there may be rocks ahead. I agree with the hon. Member for Trans-Nzoia, whatever other people say, that, judging by past experience, if we have a catastrophic fall in the prices of cereals in the next ten years we may have built completely on sand and may be forced to do things that will do this country a tremendous amount of damage. Therefore, I say whatever it costs, one thing we must have, we must have an appreciation of what the national income of the country is and likely to be.

Like the hon. Member for Trans Nzoia, I am not particularly worried about the revenue position in the 1948 budget. I was not particularly worried about it in the 1947 budget. But what we must not forget and what we have got to be cautious about is, we must realize that whatever we did in 1947 did commit us to expenditure in 1948 and the years following, and whatever we do this year commits us to future years. And I would counsel a policy of caution and that we do not throw all caution to the winds and think that somehow it will come out all right.

It is a very disturbing factor to my mind that so little criticism has been forthcoming from this side of Council about taxation. Because Government has given us a sop of £300,000 in the last two years everybody just seems to have thrown caution to the wind. In fact, they have thrown their hats into the air and said that everything is lovely in this best of all places in the world. I heard "Hear, hear" from one side and "No" from the other—I must be nearly right. (Laughter.)

[Mr. Bouwer]

I do welcome the way in which the High Commission figures are dealt with in this budget. It does show us what amount this Government's Conference has been costing without us in any way, really knowing where the money went to. It just shows what the Governor said, that for a long time there has been a grave necessity for having a place where that budget can be debated. It also appears to me that I have beaten the bell, unless I can find something else to say to spin out the time.

I would like to make just one more point. As it might appear from what I have said that I was attacking, which I was not, the Education and Medical Departments, I in my turn would like to pay great tribute to them for the way in which they foster understanding and co-operation not only in the native reserves but in the whole country. (Hear, hear.) There is not the slightest doubt about it that they are doing, apart from the social aspect and the health aspect, a very very good job of work in the administration of this country in helping people to understand the Administration.

I beg to support the motion.

Mr. Cooke: Mr. President, I did not want to interrupt the hon. member when he was speaking, but I want to make it perfectly clear that I never made the statement that recommitment is always necessary. All I did was to quote Winston Churchill on one or two occasions.

THE PRESIDENT: Has it been in the course of this debate?

Mr. Cooke: The hon. gentleman has said I said recommitment is always necessary. My explanation is that I never said any such thing.

THE PRESIDENT: That is all right, then.

Mr. Cooke:—

THE PRESIDENT: There is a rule about a member speaking twice!

MEMBER FOR AGRICULTURE, ANIMAL HUSBANDRY AND NATURAL RESOURCES (Major Cavendish-Bentlick): Mr. President, I should like to begin by saying that I support what the hon. Director of Agriculture said yesterday. It is a little astonishing that no little has been said about those departments which come

under my purview at the present time. I do not think we have had any mention whatever; in the course of this fairly general debate, of for instance, water or forests, very little about agriculture, and very little about the veterinary services. I should like to add in support of the very excellent speech made by the hon. Director of Agriculture, that that does not make us complacent. We are, in fact, quite dissatisfied with many things which we are responsible for. However, I will come to that again later on.

I will start by trying to deal with the very few points raised during this debate.

The hon. Member for Narobri South, in his opening address, asked that the question of subsidization of all rationed food-stuffs, I think he said—(Sir A. Vincent: Maize)—should be inquired into. It might have been maize only. I should like to say that, if I could, of course, be very pleased, and indeed if this question was gone into, I think hon. Members will hear from the hon. Financial Secretary shortly that Government will undoubtedly thoroughly investigate that suggestion. But let me say that this suggestion if implemented would present very grave difficulties. It may, indeed, be a policy which if adopted would act as a boom-crang on a young country, and I would advise caution, and I would ask that the inquiry, when instituted, should be a really thorough one and certainly not merely applied to one particular commodity.

Taking maize alone, some figures were quoted by the hon. Member for Narobri South as to the amounts involved. He said, I think, it was about one million, or 1,090,000 bags of maize. The average civil consumption in the last few years—and by civil consumption I am only referring to the average amount actually handled by the Maize Control and pushed out to employers of labour. I am not including any figures connected with the Cereals Pool—the average has been 1,190,000 sacks, to which we will have to add at least, to my mind, 329,000 sacks, which is the average quantity we know, and I think it is a very gross under-estimate, of what it is consumed by farmers on their farms. I think hon. members will appreciate that that figure represents the amount of maize farmers have to apply for permission to hold for their own use, and they could

[Major Cavendish-Bentley] deliver it to the Pool and buy back as subsidized maize. Also, there is the squatter maize complication.

The amount involved in that alone—and I am quite certain that would be found to be an insufficient estimate when you really inquired into this matter—the amount involved on the new price of meal from the 1st December, this year, as compared to the previous price including the bag, taking a bag at Sh. 1/60 (and the bag situation I may say is a very grave one), makes a margin of Sh. 6/10 per bag. The subsidy proposed on a rough calculation which I have worked out since the debate has been in progress would amount to about £500,000 per annum. I have worked out a computation on a lesser subsidy in two different ways: in one it would be £350,000 per annum; and in another a quarter of a million per annum. But this is on maize alone, and maize is not the only commodity which I think has to be taken into consideration, because meat enters into it considerably, and I think it is almost certain that we shall have to suggest a rise in price of meat very shortly. The estimated requirements of native slaughter stock if we can get them at the present time, are no less than 75,000 head per annum. So that also would involve a fairly big subsidy. Then the price of wheat has got to go up, and the Kenya consumption alone of wheat and atta is about 210,000 bags of flour or atta, or 275,000 sacks of wheat. Wheat is going up from Sh. 27/50 to the producer including the bag, to Sh. 31 without a bag, so there again there is a very large increase.

There is also the question of butter, with butter being largely used by the Asian population as well as by Europeans. Our production of butter pre-war, 1939, was 2,880,000 lb. of butter, of which only 950,000, roughly speaking, were consumed locally. Our production this year is over 6½ million pounds, of which no less than 3½ millions are consumed locally. So here again a considerable subsidy might be involved. I would very much like to decrease local consumption to enable us to contribute to a greater extent to relieve the fat shortage in England and the world generally to-day, but if we did, it would mean that the extra amount of butter we shipped overseas would get a smaller price than the present internal price, and there is a request that our internal price

should be considerably increased. But to help England we might agree to subsidization.

I have only half an hour, and was going to elaborate my argument by referring to pigs and various other products, but time will not permit my going further into these questions; and no doubt when the matter of a subsidy has been investigated there will be a debate. I would merely conclude at this stage by reminding people that when they enter into this subsidization question, they are entering into a problem of very great complications. I think that it is all I need to say in regard to the speech of the hon. Member for Nairobi South.

The hon. Member, Mr. Thakore, made various attacks on controls, and among other things I think he used the phrase: "that if a control cannot supply the goods they should get out." Of course, if there are sufficient supplies to go round there is no necessity for controls, and I know that everybody in this Council as well as myself would be only too anxious to see the end of all controls. Actually, far from reducing controls as regards foodstuffs with which to some extent I am concerned, we have recently put under control quite a number more, and for this reason. Foodstuffs are badly needed in the world. They are produced here in some cases to a quantity in excess of local requirements. They are at present finding their way into speculative hands and go overseas to further speculative hands and do not get into the channels where they are really required. Therefore, in future, this surplus will be directed under the direction of the Ministry of Food to those places which are in desperate need of them.

The hon. Member for the Coast mentioned tourism and national parks, and you have had this morning a reply about national parks. The matter had to be held up for certain investigations, as I explained in the answer to the hon. member's question, and I hope very much that within the next two months or so there will be at least the two "hill-tops". I call them, national parks, and the Tsavo National Park. (Applause.) In addition, I hope very much that there will be the hinterland of these national parks and will be run much on the lines of a game reserve, but will, I hope, be far more efficiently administered.

[Major Cavendish-Bentley]

The hon. member also mentioned fish. I am glad he did because this remark may assist me very much in the attempts I am going to make to extract a little more money when I come before the committee of the Council, in order to defray the costs required for certain institutions connected with fishing, notably a hatchery and a biological and ecological research station which we want to start to study fresh water streams, and at a later stage the project mentioned by His Excellency this morning, which is these fish farms.

The hon. Member for Mombasa mentioned the Tsavo Park, which I have already dealt with.

The hon. Member for Trans Nzola—I apologize for the fact that I was not able to be here when he spoke, but I had to attend an inter-territorial meeting which was taking place at the same time—mentioned that the increased price for wheat had not been announced. It will be announced in Tuesday's *Gazette*, and I hope that will be followed very shortly by the announcement of a new price for oats and barley. He said that when there was an increase in the price of wheat or maize there was a great fuss made about it, but with other things—for instance, timber—when the price was put up there was no argument at all. I should like to disillusion him very strongly on that assertion. There has recently been an average increase in price of approximately 16 per cent on timber, and this was granted on the 1st March, 1947, on strong representations from the timber industries of all three territories, and they were required to show to the satisfaction not only of the three Governments concerned and the Price Controller but of the military authorities as well that they could justify this increase by increases in production costs. The total increase in the price of timber since the pre-war days—that is sawn timber—is in the nature of something like 40 per cent, and I think that is not incommensurate with the rise in price which has been given to practically every form of primary produce. I assure this Council that when these prices are considered, whether they be for cereals, for butterfat, for butter, or for timber, they are most carefully gone into and all are treated in exactly the same way.

The hon. member then mentioned, and criticized quite strongly, the Meat Control. I should like to say that I also am thoroughly dissatisfied with our organization as regards the off-take of meat in this country, and, as the hon. member is I think aware, we are having a very thorough inquiry into all this, which inquiry is going on at the present time. We are having an investigation into stock routes, holding grounds, and into the general organization of the new Meat Marketing Board. Two officers have recently returned from a visit I arranged to Tanganyika, Northern and Southern Rhodesia, and the Union, to see what they have done there, and I sincerely hope that we will be able to get things on a more satisfactory footing during next year. I would also, on the question of free on rail prices, without committing myself, say that I am entirely in agreement with the point made by the two hon. members opposite that, in the case of meat as in other forms of produce, it would be desirable, if practicable, to pay free on rail prices. The only sensible way of doing it is that the distribution authority should absorb differentiation in railway freights, as it is they who have to do the distribution and it is not the responsibility of the producer as to where their animals are sent.

He also asked whether meat and dairy products were going to be increased, and various other primary products. We have dealt with maize, wheat, barley and oats. I am at the moment going into the question, at the request of the Kenya Co-operative Creameries and of the Stock-owners Association, as regards these other products.

The hon. Member, Dr. Rana, said there were many cows on Mombasa Island, and said that experimental work should be done in order to see to what extent the cows could be moved off the island to a satisfactory area. I myself had the misfortune on more than one occasion to visit some of these dairies in Mombasa, and I am desperately anxious that the cattle should come off the island as soon as possible. A lot of work is being done between Mariakani and Mombasa. We are at the moment rather sadly held up for lack of labour, but nevertheless that work is going on. We have got a man posted there now and the hon. member can be satisfied by seeing the work for

[Major Cavendish-Bentinck]

himself. The work going on there at the present time will be continued next year.

The hon. Member for Western Area, I think, mentioned rancid edible oils. The only remark I have to make on that is to say that no oil has been kept for any length of time. It is nearly all issued as soon as it is received.

The other point he mentioned was Kibigori. Kibigori was a matter on which a question was asked in this Council recently, and as usual it was suggested that this is an area which should be made available for Asian settlement. This area was mentioned specifically in the Carter Commission Report and there was some doubt as to what was to be done with it at that time. All I can say about it at the present time is that we simply cannot relinquish this holding ground or make it available for settlement or for any other purpose. This area is quite different from the other holding grounds, many of which form part of the Meat Marketing Board's organization. The Kibigori holding ground is part of the Veterinary Department's experimental establishment and it is, as I think hon. members opposite know, being used for holding native cattle which are under observation for disease. They are held there for immunization before being transferred to other areas for breeding or other purposes. I would, however, add that I am going to have a very careful investigation made into every holding ground and stock route in the country, on a colony-wide basis, and Kibigori will be investigated with the others.

The hon. member Mr. Patel complained that there were no services, or a very great lack of services, for Indian farmers, and he also quoted the example of some 50 head of cattle which died owing to there being no veterinary assistance available. As regards no services, if he is referring, as I think he is, to farmers in the Mubooni-Kitumu area, I beg to differ. We have recently appointed an officer in that area to advise the Provincial Commissioner on agriculture matters. He is a very experienced officer—Mr. Lyne Wall—who has visited all the Indian farms already and has submitted a long report in connection with his visit. The Director of Agriculture is also endeavouring to

obtain, if he has not already done so, the services of a qualified Indian agriculturalist who will help these Indian farmers with the planting of sugar cane. I therefore think that, certainly from now onwards, and in the recent past, these people have had probably more individual assistance than a great many other farmers.

As regards the 50 head of cattle, I believe I know who the owner of the cattle is. I believe the outbreak was very unsatisfactorily reported. It also took place unfortunately at a time when there was a shortage of veterinarians in the area, but I am going into it, and if the hon. member can give me more information afterwards I will do my best to see, if this is a justifiable complaint, that it does not occur again.

I think I have dealt with most of the points that have been raised, and before terminating I should like to say something on the general picture.

The hon. Member for Uasin Gishu mentioned research to-day, and he also drew attention, as has been drawn in this Council many times previously, to the fact that our economic basis is at the moment agricultural production in one form or another. When I was entrusted with looking after these various departments which are concerned with agriculture and natural resources, one of the first things that became abundantly clear to me was that we had insufficient information on certain quite simple fundamental questions. We were too ready to assume as correct conclusions statements which were really more assumptions or premises than conclusions. We had done very little research, and such research as had been carried out was never continuous as it was invariably the first thing to be dropped whenever there was any financial fluctuation. I, with a great many other people, have tried to see what can be done to enormously improve our research facilities.

As Council knows, the inter-territorial research organization is coming to Kabete. The Central Veterinary Research Institute is also going to be somewhere in that neighbourhood. There is also going to be a central forestry research organization attached to the same

[Major Cavendish-Bentinck]

We have been lucky in getting scientists with world reputations to take charge of these institutions. I hope to attach to these, as far as Kenya is concerned, our own research workers, who will be, of course, not so much occupied with fundamental research as with "ad hoc investigations" and "applied research," and in addition we shall have to have our own experimental stations and we shall have men to help the farmers to apply and test out the results obtained from research. Without some scientific background it is no good spending vast sums of money in guessing at what we should do. I therefore would ask, and I am sure I can ask with some confidence, that when the committee discusses these estimates, if I can produce a really sound case for more money for this research work, that I shall be listened to at any rate with sympathy.

I beg to support. (Applause.)

The debate was adjourned.

ADJOURNMENT

Council rose at 12.55 p.m. and adjourned until 9 a.m. on Friday, 28th November, 1947.

Friday, 28th November, 1947.

Council assembled in the Memorial Hall, Nairobi, on Friday, 28th November, 1947.

The President (Hon. W. K. Horns) took the chair at 9.05 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 27th November, 1947, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 96—DEVELOPMENT COMMITTEE RECOMMENDATIONS

MAJOR JOYCE:

In regard to the recommendations in paras. 43 and 50 of Vol. I of the Report of the Development Committee, what steps is Government taking to encourage Africans to adopt veterinary and agricultural careers?

MAJOR CAVENDISH-BENTINCK:

Paragraph 43 of the Development Committee's Report Vol. I refers to the Veterinary Service and paragraph 50 to the Agricultural Service.

Regarding the Veterinary Service, the situation has changed considerably since the Development Committee's Report was written in that there is now no lack of candidates for admission to the Veterinary Department's training centres. Steps have been taken to implement the specific recommendations of the Development Committee by improving the scale of camp equipment issued to African Veterinary assistants and by making them eligible for advances from Government to purchase motor vehicles.

The transfer of the Veterinary faculty of Makerere College from Uganda to Kabete and the fact that five Kenya Africans are undergoing training there will undoubtedly prove an incentive to Kenya Africans to take up veterinary careers. A further incentive is provided by the fact that there are at present 20 Africans studying veterinary science at Liverpool University.

With regard to paragraph 50 of the Development Committee's Report, I would refer the hon. Member for Ukamba to the reply which I made to a question recently put to this Council by

[Major Cavendish-Bentley] the hon. Member for the Coast concerning African agricultural instructors. All African Secondary schools and all Primary schools give some form of agricultural training as part of the normal curriculum and it is intended to establish a secondary school in each province at which a full two-year agricultural course for the training of farmers will be given. Every effort is being made to convert the new schools at Embu and Maseno but in the meantime facilities for the training of agricultural instructors are limited and it would be premature to give too much encouragement to Africans to apply for agricultural training at present.

This brings me to the final aspect of both parts of this question. The Director of Agriculture, the Director of Veterinary Services and I myself have represented to the Salaries Commission in the strongest terms the need to make a career in the Agricultural and Veterinary Departments financially more attractive to Africans. If, as a result of these representations, the Commission should recommend substantial increases in the scale of pay for African Agricultural and Veterinary assistants, it will lie largely with the hon. members opposite whether such additional expenditure on the Colony's Agricultural and Veterinary Services is adopted. Whatever other steps Government may take to encourage Africans to adopt Agricultural and Veterinary careers, none can be as effective as a substantial financial inducement.

No. 97—DEVELOPMENT COMMITTEE RECOMMENDATIONS

MAJOR JOYE:

In regard to para. 96 of Vol. I of the Development Committee report, when does Government propose to appoint the committee of two suggested therein to study the methods by which other African territories, including the Belgian Congo, have achieved some success in instilling into the African the importance and dignity of work on and care of the land by comparison with clerical work?

MAJOR CAVENDISH-BENTLEY:

I have to inform the hon. Member for Ukamba that it has not as yet proved

possible to appoint the committee to which he refers.

During the period which has elapsed since the Development Committee report was published neither the Director of Agriculture nor the Director of Education has been able to spare an officer for this investigation owing to the staff position in their departments. The Director of Education will, however, be able to designate an officer to make this visit in March or April next year and I hope it will be possible for the Director of Agriculture to nominate an officer at the same time.

ENTERTAINMENTS TAX ORDINANCE, 1931

CONTINUANCE IN FORCE

MR. TAUGHTON: Mr. President, I beg to move: Be it resolved, that this Council approves the provisions of the Entertainment Tax Ordinance, 1931, being continued in force until the 31st day of December, 1948.

This particular tax has to be renewed annually, and I do not think its renewal will cause any controversy in present circumstances.

MR. HOASON seconded.

The question was put and carried.

DRAFT ESTIMATES, 1948

REFERENCE TO COMMITTEE OF COUNCIL

The debate was continued.

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (Mr. Mortimer): Mr. President, there have been a few matters raised in the course of the debate dealing particularly with the Medical Department estimates, and my hon. friend the Director has effectively replied to most of them in his excellent speech. It remains mainly for me to deal with matters mentioned in the course of the debate relating particularly to the Hospital Authority.

Certain very serious charges were made against the Hospital Authority, and I propose now to enter a vigorous defence. The Hospital Authority, statutorily, has been in existence for nine months only. Up to that time the same members, or approximately the same members, were acting as an interim Authority, but they had no definite legal

[Mr. Mortimer] powers. Since the Hospital Authority was statutorily appointed it has been faced with serious difficulties of one sort and another. For one thing, no less than six members of the Authority, including the Executive Officer, have been absent from the country for quite substantial periods during this year. When the Hospital Authority took over there was a serious shortage, in some quarters, of hospital accommodation, but that was no fault of the Authority itself. It was only to be expected that, when hospital facilities were to be rendered at very much cheaper cost to the individual patient, there would be a greater demand upon hospital services. When the Hospital Authority took over no provision had been made for that increased demand. The Authority was breaking new ground all the way, and consequently had to feel its way gradually.

The principle charges made against the Authority concern the new regulation about the charge for laboratory services and for drugs and dressings being passed on to the patients. To deal first with laboratory services. These are not strictly hospital services, but they are medical, they are essentially part of medical diagnosis. The Hospital Authority's legal powers concern hospital services only, but the Authority is not disposed to lay much stress upon that point. When the Authority took over it analysed the position regarding laboratory services and found certain serious anomalies. The Director has already explained that all public health services carried out at the laboratory are done free of charge to the user of those services. Anyone who is regarded by a medical officer who calls upon those services as being unable to pay the full charges, or as unable to pay any charges at all, is always given relief.

Apart from those cases, every private individual using the laboratory services for purely medical purposes, who can afford to pay, is called upon to pay, and always has been, with the exception of one group only, and a comparatively small group. On the paying list there are small patients in every up-country hospital, all patients in every up-country hospital, with the exception of Kisumu, all patients in private nursing homes, all patients who do not go to hospitals—they all have to pay and always have had to pay. The only exceptions were those patients who

happened to be accommodated in Government hospitals in Nairobi, Mombasa, or Kisumu. The system has arisen from the days when the charge was Sh. 24 per day. That charge continued for a great many years unaltered, in spite of the fact that costs were increasing every year. Sh. 24 in the first instance was regarded as being adequate to cover laboratory services for the patients, but in recent years it must be quite obvious that the charge is quite nowhere near meeting the cost. The Authority could see no commonsense equity or logic in continuing a system whereby one small section of the community only was favoured at the expense of the taxpayers who were all entitled to equal services. So the Authority said that it would no longer accept responsibility for laboratory services for patients in Government hospitals. If one has to pay, all must pay.

The laboratory services cost about £20,000 a year, and there is revenue estimated for 1948 at £8,000. The Director and I would be very willing indeed to make the laboratory services entirely free to all users, if hon. members are prepared to sacrifice a good part of that £8,000 revenue. It is a matter for consideration whether you should or should not; but I do urge that all users of laboratory services should be treated on an equal footing.

I was referring then to all European users. Now, the Africans have their medical services rendered to them free of charge, and that includes laboratory services also. The Asian requirements for laboratory services are supposed to be covered by the fees paid by Asians who enter the Government hospitals. Those who enter private nursing-homes have, of course, to pay like everyone else. There may be a case for requiring to pay patients in Government hospitals but, in view of the extremely poor accommodation that is offered to Asian patients, I hesitate to suggest such a course. However, that is possibly worthy of examination.

Turning now to drugs and dressings, a similar situation was found by the Hospital Authority. There was the ever increasing cost of drugs and dressings to be faced by somebody. Costs have gone up from 100 per cent to 400 per cent

[Mr. Mortimer] during the last few years, since the Hospital Fees Committee reported, in fact, The Hospital Authority had no firm estimate of the amount of revenue which it was going to receive. The only firm-kind of figures it could get were figures of expenditure in the hospitals, and we very quickly found that the cost of running the hospitals was going to be at least double the figure presented in the Hospital Fees Committee report. In order not to allow the Authority to go into bankruptcy during its early stages, the Authority was compelled to examine the whole situation. Something had to be done as a safeguarding measure.

We endeavoured first of all to find out what free drugs and dressings were supplied in the various hospitals that were under our charge. We found that Kitale and Eldoret hospitals issued a very meagre free list, consisting of about half a dozen items of the very commonest drugs and dressings. Anything beyond that had to be paid for by the patients as a separate charge. Of course, in all private nursing homes everything has to be paid for. In the Government hospitals, rather to our surprise, we found that every patient—whether a Government servant or a private individual, whether he was treated by a Government doctor or by a private doctor—received the whole of the drugs and dressings that might be prescribed by his doctor entirely free of charge, all included in the Sh. 24 a day and continued under the new regime at Sh. 5 a day! The thing was just ludicrous and we could not possibly go on on that scale.

We were heading for bankruptcy. We could see that quite clearly, although we had no clear estimate of revenue. We were faced then with four possible courses. The first was to leave the thing alone and let it go on until we ran into bankruptcy, and that I suggest would be a serious injustice to the up-country users of hospitals who have to pay for everything they had, apart from a meagre free list. We could have increased the charge from Sh. 5 a day to Sh. 8 a day, which would have come somewhere near covering the cost, but we did not want to do that in the very early stages of the scheme. We could have come to this Council and asked for an increase in the compulsory contribution, but that,

we felt, was premature. We therefore adopted the course of requiring patients to pay for their own drugs and dressing, subject, of course, to relief for those who are unable to pay, relief either in whole or in part. We have had very few complaints. The only complaints one has received have vanished when an explanation has been given, with the exception of one person from Mombasa who wrote me a strong letter about a week ago.

The Hospital Authority is quite prepared to do whatever its public desires, but one thing it will not do, and that is willingly and knowingly run the scheme into bankruptcy. If the Hospital Authority is advised, either through the unofficial members on the Authority or through hon. members of this Council, that the public would prefer some other method—either by increasing the charges in hospitals, or increasing the compulsory contributions under the Ordinance, instead of *ad hoc* payment for drugs and dressings used, the Authority will sympathetically consider any proposal put before it. What the Authority is trying to do is to give the best possible service for the money available, and we earnestly ask for sympathetic help and co-operation from all sections of the European community in so doing.

A certain amount of play was made about the extra work for nurses in having to write down drugs and dressings used for any individual patient. The gesture of dissent that I made while the hon. Member for Nairobi South was speaking was misinterpreted by both him and the hon. Member for Mombasa. I was not dissenting from the statement that drugs and dressings are being charged for, but I was dissenting from the statement that nurses were required to write down and account for every few inches of bandage, or every ounce of cotton wool that was used. I say this most emphatically, that no nurse is being asked to do any single thing in this matter that is not required by proper hospital regulations and practice for every nurse. Surely it must be obvious even to an Irish doctor (laughter) that no proper treatment can be given to a patient unless there is some record of the drugs the patient has had administered. A nurse coming on duty must know what the previous nurse has given to the patient, and the doctor, surely, is

[Mr. Mortimer] entitled to know what has been given. For that purpose there is a bedhead chart which every nurse is required to endorse every time treatment of any kind is given, and it is not asking too much to expect that those regulations shall be carried out, as indeed they will be.

So far as the accounting side is concerned, that is a comparatively simple matter. In the Nairobi Hospital we are going to give further accounting assistance and improved supervision. In Mombasa I am assured by the doctor and matron in charge that they have no difficulty at all. So far as dressings are concerned, we do not ask the nurse to account for every few inches of bandage. All that is required is just a general statement of the amount of dressing, when there will be an *ad hoc* small charge, and we do rely on the co-operation of doctors and the nursing staff, which I feel sure we shall get.

Dealing for a moment now with Mombasa itself, I was surprised at some of the hon. member's statements. The charge for laboratory fees, drugs and dressings I have already dealt with. His chief charge related to shortage of accommodation. That, I submit in all commonsense and fairness, is no responsibility of the Hospital Authority. It was a situation which we came into and we had to make the best of it. The very first thing the Hospital Authority did was to set in train proposals for the erection of a new hospital extension at Mombasa. I appointed a committee at Mombasa—a representative committee—to advise me on what was required. They submitted a very valuable report, with a sketch plan of what they desired. The sketch plan was examined in detail by technical authorities and was generally approved. The next step was to appoint an architect. That was done as soon as possible on the advice of the local committee. The architect assures me that she is getting on with the work, which has now been approved, with all possible speed. I have impressed upon her—she is a very eminent architect—that speed is absolutely essential, and she assures me that every possible step is being taken and that her side of the work will be ready by the end of December. Quantities will then have to be taken out

and they will be ready by the end of January, when we shall be in a position to call for tenders. I submit to the hon. members, and all hon. members opposite, that the Hospital Authority has been as active as it could have been in this matter of increased accommodation.

There is another thing we did at Mombasa. A nursing home which had been in existence for some years was just on the point of closing down because of financial embarrassment. The Hospital Authority when it realized what the situation was took over the nursing home and all financial responsibility for it. So far we have paid out a matter of about £1,500 keeping that nursing home afloat. In the European hospital we have provided a number of emergency beds, which have been in use on frequent occasions and have done a good deal towards relieving the pressure.

I know there is a shortage of accommodation. The Authority knows it full well, but we have not discovered any magic wand we can wave whenever we want a building and find it has sprung up in the night. There are essential procedures to be gone through which are inescapable.

I was somewhat amazed also to hear the hon. member say that next to no benefit had been received by Mombasa contributors to the hospital scheme. I have taken the trouble to have the figures analysed and I find that, on the assumption that in any event, if there had been no Hospital Authority, hospital fees would have had to be increased from Sh. 24 to at least Sh. 30. I found that Mombasa residents have received a direct cash benefit to the extent of a little over £6,000 since the Hospital Authority began its work. I do suggest to the hon. member that whoever told him 'Mombasa residents were getting next to no benefit from the scheme was being economical with the truth' (Laughter). The Hospital Authority is fully alive to its responsibilities and is doing its very best to meet its obligations.

Another thing we are doing at Mombasa, and in time hope to do at other places, is to form a local management committee which will take over the running of the present European hospital and the new hospital, when it is built. I am trying to get the same thing

[Mr. Mortimer]

going to Kitumu and Nairobi, and we hope before long that the management of the present Government hospitals will be in the hands of local committees.

The general question of capital expenditure on hospital extensions will be dealt with at a later stage in this Council, when a motion for the raising of a loan will come forward.

The hon. Member for Mombasa has, I notice, given notice of a motion calling for an inquiry into the activities of the Hospital Authority. I do not suppose that any member of that Authority has any objection to being inquired into, so long as the investigation does not interfere with the very meagre staff the Authority has got and with its work. But I suggest it is rather premature to pull up this nine months' old plant by the roots to see how it is growing. I do not think it will do the Authority any good or expedite its work, and I have not the faintest idea why there is any need for an inquiry or what the general subject of the inquiry should be. Perhaps the hon. member himself knows?

Dealing for a moment with other matters that have been raised since the hon. Director of Medical Services spoke.

The hon. Members Mr. Mathu and Mr. Ohanga both raised the question of mission grants, subsidies to mission hospitals. I emphatically endorse all they said. The missions are doing fine work with their hospitals, and they do it with very meagre help from the general revenue. The Director and I have had interviews with representatives of the mission hospitals, and they desire to keep on their work at present standards or better. They do assure us, and I believe the assurance is correct, that if they do not receive more adequate support they will have to close down some of their activities, and that will throw a bigger burden on Government hospitals, and I can assure hon. members the cost will be considerably greater than the cost of helping the missions. If further help can be given during the committee's consideration of the estimates, it will be very much appreciated.

One or two hon. members have raised the question of collecting more revenue for the use of medical services. I notice with appreciation that several members

said they had no desire whatever to cut down the services. We are all alarmed at the ever increasing cost of social services, and all recognize that our main stress should be placed on productive services. But I do suggest that medical services are a very important part of production. You cannot obtain a good standard of production, either in quantity or quality, from debilitated, parasite-ridden, sick, and unhealthy people, and medical services, therefore, must have a very important part in keeping up production to a high level.

The hon. Member for Usain Gishu quoted some percentage figures to show that medical services were getting out of focus, and that in relation to agriculture they were spending about twice as much. Well, now, there are people who use figures in the course of discussion in the same way that a drunken man uses a lamp post! (Laughter.) I mean by that, that they use them for support, rather than illumination. (Laughter.) I hope my hon. friend will forgive me if I suggest that he has, perhaps, unwittingly fallen into that category. (Laughter.) The figures that he quoted I have been unable to analyse because I cannot find how he derived them, but one thing is quite apparent, that he has omitted certain major parts of agricultural expenditure. I would remind hon. members that, while all the medical expenditure appears in the Colony estimates, half the agriculture expenditure appears in the Colony estimates and most of the other half in the D.A.R.A. estimates and quite a substantial chunk in the estimates of the East Africa High Commission. If you take one section only of those figures you get a picture completely out of focus. I had the figures analysed, and without going into a lot of detail I will give the figures for 1948. If you take the agricultural figures—I may say that I do not begrudge my hon. friend for having got a very large share of the cake because he needs it (laughter)—but if you take these three categories and add them together the agricultural figures are £474,000 while the medical figures are £552,000, not a vast difference, only about 1 per cent, and if you put in the settlement figures, which can reasonably be regarded as agricultural, that is another £897,000, bringing the whole

[Mr. Mortimer]

has come to £1,300,000, nearly three times as much as the medical vote!

Mr. President, I beg to support the motion. (Laughter and applause.)

Mr. VASEY (Nairobi South): Mr. President, as the last speaker to rise from the unofficial side I should like to give my opinion on one feature of this debate; that is, the sounding of the gong! This, I believe, although some newspapers seem to think differently, is the shortest budget debate of recent years, and it was due to the gentleman's agreement that we should limit our speeches to half an hour. With that agreement there can be little fault, but I suggest it is a gentleman's agreement, and that there should be no necessity to sound a gong five minutes from the end of a speech and so reduce this Legislative Council of Kenya to the level of a school debating society. One other point is this, and it was obvious from the speech of the hon. gentleman who has just sat down, that certainly the last speakers on the Government side, other than the hon. Financial Secretary, should be allowed latitude to cover completely the questions they have been asked. That to my mind is essential.

Now, I support this motion with some misgivings. I would like to congratulate the hon. Financial Secretary not only on his speech but, if I may say so, on the way he has outmanoeuvred and outwitted the members on this side of Council in this particular procedure. From now on the hon. member will be able to hand over to this side of Council the squalling baby of expenditure, which he has fathered, albeit somewhat unwillingly, to hand it over to those on this side and say "The baby is yours", and if and when it returns from the committee stage into the report stage of this Council for final debate he will be able to say "It is your fault, it is you who have fed the baby, and you are responsible from now on, you have adopted it". In fact, it seemed to me, watching during the debate as member after member on the other side got up and said "we want more money", the long faces of members on this side of Council were only exceeded by the lengthening face of the hon. Financial Secretary, which leads me to believe that he has perhaps to some extent fallen into

his own trap, because no member of this Council has been more opposed to expenditure than the hon. Financial Secretary. I think that is a statement which will not be attacked by his colleagues.

Therefore we have to accept that responsibility, and I would say that, although politically we may find ourselves in a worse position, I am among those members who gladly accept that responsibility, because I take it as another move towards that control of our own affairs to which every member on this side of Council is eventually moving.

One point more before I turn to the actual budget speeches, is that in the budget set-up we get actual expenditure for 1946. I would ask the hon. Financial Secretary whether it would not be possible, in order to make the information of actual expenditure easily readable, and available to members on this side, to publish something in the nature of an abstract of accounts, which would enable us to summarize the actual expenditure, although I know that in many cases it could not be published for many months.

The hon. Member for Usain Gishu made a speech to which, had there been time, I should like to have replied. I think that that speech could be misinterpreted as being directed to some extent against some of his fellow members on this side of Council. The only comment I would make is that during my time in this Legislative Council, right or wrong, the only two members who have been consistent in their vote against expenditure have been the hon. member for Aberdare and the hon. member for Rift Valley. If members were to go back through the volumes of Hansard of budget debates they will find that fact confirmed. There has been some talk about the fact that members on this talk about the fact that members on this side, particularly the hon. Member for the Coast, have not attacked expenditure. Nobody has a more sound knowledge of the rules of debate and standing rules and orders than the hon. Member for the Coast: he knew it would be unwise, I am sure, and wrong in principle that at this stage we should attack expenditure in principle. (Hear, hear.) That is why the hon. member for Usain Gishu has not heard his colleagues attack expenditure in detail. That does not say there is

[Mr. Vasey]

no hon. member on this side who is satisfied with the expenditure in bulk.

There has been some talk about the direction of labour, and I would like to make a comment or two on that. There is growing up in this country a conflict between town and country in so far as their attraction to the labouring classes. It is common knowledge that in almost every country labour moves to the greater attractions of towns and to the greater cash rewards which town employment offers as a rule, and the African labourer no less than any other labourer in the world has become cash conscious. The agricultural community can, therefore, only stem that trend towards the towns by either greater cash wages or by an improvement, a great improvement, in conditions and amenities. However much you try to direct labour with such improvements, I believe that you will find the direction of labour difficult. That does not mean to say that I do not believe at this moment that some effort must be made in the direction of labour, and the speech of His Excellency from the chair proved that it would be necessary.

But there is this point. If the voluntary direction of labour succeeds in Great Britain, and it is, after all, likely to do so, it will be for one reason, because it has been possible to bring home to the British worker the great need of the moment and the urgency of the problem. He has been brought into the picture completely, and shown that on his efforts the country stands or the country falls. That has been possible in Great Britain because the level of literacy is high enough for people to be able to understand those things. If you make the same appeal to the African, I doubt whether it will fall on fruitful ears at the present time, unless you send far and wide into the reserves mobilized information people who will explain to the African by model, diagram, and by word of mouth the fact that if they fail this country falls.

Let us make no mistake. The great dependence of Kenya in the final issue will be on the availability of effort and talent of the African labourer. It will be possible to replace that effort to some

extent by mechanical means, but not to the great extent it will be necessary.

So I would move from that to African education, and say, as I said in my first speech in this Council, that after bread, education is the need of the people. Education is not an unproductive service. It is the greatest productive service of them all in the long run. It turns a man who is a drug and a liability to his country into an asset and a useful citizen, and, therefore, I think that we must press forward with African education, despite all the "headaches," all the pain, and all the troubles it will bring us. If we are to be competent leaders, we must press forward with that education. The only point is, can this generation afford to carry the burden for a productive service which can only begin to bring in rewards after a long period of time? That is the point we have to decide.

Last year, in my budget speech, I put forward a suggestion that we could not bear the burden. There is plenty of money, we heard from His Excellency, plenty of capital available in the United Kingdom. Internally the United Kingdom is prosperous on an almost inflationary prosperity. I suggested then, and I suggest again, that we should approach—it is unorthodox—that we should go to His Majesty's Government and say "we can create an asset that will be of value to the British Commonwealth if you will let us have on a long term basis a loan to carry the education of the African, to allow us to replace recurrent expenditure against that loan, and not call for any redemption of principal or interest for a period of ten or fifteen years." If what we believe—I say we, a great number of people in this country believe—is correct, by that time you will have the African as a real and useful citizen, able to contribute what he cannot to-day, his full power to the development of the country. I would suggest that the hon. Financial Secretary approaches the matter from that point of view and considers how far it is possible to make representations of that kind.

On this question of education and medical expenditure, there has been a lot of talk. There has been also a reasonable and very understandable demand that there shall be something on the revenue side to meet the expenditure.

[Mr. Vasey]

To that one must to some extent agree, but I would give a warning against the acceptance by any community of a continued expansion of this earmarking of revenue. It is possible to lose sight of the complete picture. There has been a fair amount of rejoicing about the fact that this year income tax has been reduced, but a European taxpayer can tell you that if he has had his income tax reduced he has had this year to take up the burden of an additional hospital tax, and if the policy which seems to be accepted by this Council (against which I have protested at times) is accepted, he will also be bearing the burden of capital construction of these hospitals. When you talk about the picture of taxation in the future, if you have too many earmarked revenues then, I think, you will lose sight of the picture as a whole and the community will be paying hidden taxation.

And there is another standard. The only reason why communities as communities should bear burdens of that kind is in order to get achievement, in order to get things done, and while to-day you may gain a temporary advantage for one particular community by the adoption of this principle, you may find that in ten years or fifteen years for the sake of expediency you have sacrificed a principle it would have been far wiser to have adhered to.

On the question of crime, I think the hon. Member Mr. Mathu spoke about threats. I think the hon. member got rather confused between threats and warnings by Government, by the hon. Attorney General, to people who seemed prepared to act against the principles of law and order. Those are justified warnings, and the sooner and the more stronger they are issued the less likely there will be trouble, rioting and resulting deaths.

I asked, when I served on the Police Terms of Service Committee, that there should be separate terms of service for the police. That report has been issued for some time. I do not suggest that the hon. Financial Secretary goes into great detail, but I have pointed out that at some time it should be debated in this Council and in the interim we should know what steps Government have taken

to implement any recommendations in that report. There was an excellent committee which sat under the chairmanship of Mr. Humphrey Slade on habitual offenders. That report has, I think, not been debated in this Council, and I suggest that we should be given a chance to know when it will be debated and what steps are being taken. It is important that law and order should be preserved. We said in the Police Report that if law and order goes everything goes, and it is important that law and order should be maintained.

One other point from the position of Nairobi. That is, we have pressed from Nairobi Municipal Council for continuity in police service. In that police report I made the following remark: "The problem of crime and disregard for law in townships has developed greatly in the past few years and it seems desirable, therefore, that a section of the Force should be detailed for duties in townships, and its training concentrated on that type of work." That more than ever to-day is essential for Nairobi. The police must get down to the level and knowledge of Great Britain, where the police constable knows the man in the street, knows the good characters, knows the bad characters, knows his district. That is impossible here while there is a system which allows the transfer of a good officer from one place to another place as soon as he starts to do a very good job of work in one place. That applies to any township, and I do suggest there, again a debate on the Police Terms of Service Committee report would serve a very useful purpose.

I do not intend, because of the time, to deal with local government loan matters at great length. A deputation is going to see the Financial Secretary on this matter, and I trust that he will give it a sympathetic hearing. I do say that one of the ways in which you will prevent this ever growing volume of central expenditure getting out of hand is to get a devolution of responsibility through the medium of local government. Let me give one illustration from the Nairobi estimates for 1948 to show what I mean. Nairobi's expenditure in 1948 is estimated at £442,870. Our income from Government grants, from rents and trading profits, will be about £215,000.

[Mr. Vasey]

Nairobi ratepayers will be paying by rates £17,000, of which Government will pay a proportion in lieu of rates. But if the Nairobi ratepayer had not accepted full responsibility for these matters the balance of that would have swollen your central expenditure. I suggest that we've got to go rather quickly to the English system of throwing responsibility for local benefits more and more on to local government so that local government ratepayers may pay a higher contribution for the improvements and benefits they receive as a result of those services.

I suggest that a system of generous grants, with no niggling and haggling, should be adopted by the hon. Financial Secretary in this stage of devolution. There should be a system of generous grants to all local authorities, be they district councils, be they local native councils, who have already accepted that responsibility to a fair degree. All those who are prepared to take up the burden of expenditure on that portion of the services, particularly local, and that will bring benefit to their locality, should be given generous grants.

In the time left at my disposal I want to deal with what I think is perhaps Government's main problem, and that is the question of inflation—the increasing and steady rise in the cost of living, with its resultant pressure of continually increasing wages. We have heard during the past few days of a 10 per cent rise in the cost of living. We have had to reserve additional sums for the civil servants of this country because of that rise in the cost of living. Now, Sir, you cannot resist, and I doubt if anyone from this side or that side of Council could resist, the justice of the claims of the civil servant individually. He lives on a fixed income and, although he may have hidden benefits, these are not represented in cash. He lives at the present moment on a very close margin. You can say that he should force his standard of living down. Well, I have not the time to go into the details of how difficult it would be to force that standard of living down. But is it desirable that we should talk at this time about forcing the standard of living down? The aim and objective of this country must be to force

the standard of living up, and we are rather apt to judge the European standard of living as a separate entity, not as part of an economic unit. When you say that people have servants here who do not have servants elsewhere, of course they do, because their position in the economic scale here is representative of the higher groups in other countries. We must regard ourselves as an economic unit and a whole.

Prices are rising. We know we cannot control the prices of imported commodities, but prices other than imported commodities are rising steadily. Rents are rising. The Indian artisan, due to the difficult position in which he has been put and by his habits of food, has to pay black market prices for rice, because I do not believe a fully sympathetic ear has been turned to his pleas. He has to pay an additional price for ghee. He has to have these things to live, he purchases them in the black market, and when he pays that black market price it is not the Indian paying that black market price—it is the whole economic structure of the country, because he demands more wages, and more wages means higher cost of building and higher cost of everything. I suggest that Government has got to come back to the old idea of narrowing price control down and applying it to just a few essential commodities. Price control should take over rent control. It should take over hotel control, because hotel prices are rising and you cannot deny the justice of many of the hotel proprietors' appeals. These things must be co-ordinated into one whole.

I have little time left to deal with Imports Control, but I would say that the inflexibility of Imports Control is a very dangerous thing in this country, very dangerous indeed. This country is not an established commercial and industrial country. You cannot hit the commerce of this country and its industry in the stomach and see it come back for more, as would be the case of agriculture. If on a purely short term policy you continue as you are doing, you will do long term damage to the commercial and industrial set up of this country, you will never achieve a balanced economy, and you will drive the manufacturers and industrialists out of this country.

[Mr. Vasey]

I said in the debate on the Plewman Report to the hon. gentlemen on the other side: "Time is running out, gentlemen; there are other countries who want industries, and unless you are prepared to make some effort, you will not get them here." On these grounds I renew my plea again, as last year and the year before, for a Member for Commerce and Industry—(hear, hear)—somebody to whom people who are coming into this country can go and not be referred first to one member of Government, then to another, and finally to the Commercial Adviser, who says: "I cannot give you a minute; I can only say I will write a despatch on it." You have got to get past that stage, because if you do not, if agriculture collapses, the last state of this country will be worse than the first.

You have a few years only in which to achieve that. In these few years, if you are wise and sensible and if you have on these benches and in His Excellency's Executive Council an official representative of commerce and industry, you may achieve it, but if you leave it in the present disgraceful situation, then you will gradually drive it away from this country. If you do, then all your social services will depend on one thing, and one thing only—on agriculture, which in the final issue will be dependent upon world prices and world markets of which it is only a small part.

To finish, I should like to support the hon. member Mr. Patel in his appeal for co-operation. It will not be done by hopeful and pious phrases only. It will not be done by such instances as the hon. member Mr. Cocker gave when he pleaded for Indian education—not by pleading for Indian education on the merits, which are many, of the need for Indian education, but rather on a critical comparison of European and Indian costs. That is not the way to do it. We need co-operation. It is important that members on this side of Council, who will be faced in the next session with an unofficial majority, should reorganise themselves. It is important that they should get rid of the word "racial," they should recognize themselves always as one part of one economic unit from which all races can benefit—that the benefits at the top, whatever the race

that happens to occupy that position, will inevitably filter down to the bottom. Kenya is an economic unit. Handled properly, with agriculture and commerce and industry playing an equal, or nearly equal part, we can achieve something. Without that co-operation we have a few years of prosperity and inflation before us and very little else after that.

I beg to support.

Mr. MUNDY: Mr. President, it was necessary for me, in order to deal with one of the questions raised in the debate, to refer back to the Hansard of last year's budget debate, and I could not help noticing that at that time income tax was inequitable and unfair and bore very heavily on one section of the community—in fact, nothing was right with it. Then I turn from that debate to this one, and I find that even in the words of the hon. Member for Klambu taxation is now reasonable. Instead of, as in the past, having to take up 50 or 60 minutes of the time of Council, this year I have a very easy task and but a few questions to deal with, and I shall reserve my ammunition for the time when income tax is adjusted according to ability to pay, so that I shall be able to deal with the complaints which I am sure I shall receive from my surtax payers.

The hon. Member for Rift Valley raised a very important point of principle. He asked me when I should complete my assessments for the year of assessment 1944, and all I can say is that they will not be complete for several years yet. The reason for that is that there is still a number of very difficult excess profits tax cases. These cases are badly in arrears, and it would be quite impossible for that year of assessment, and a great many other years, to be completed for some time yet. I have said with great monotony in this Council that it is purely a question of staff, and I repeat again it is a question of staff, and I think I should add that even since the Plewman Commission that staff position has deteriorated and not improved. Even since this debate commenced I have lost two senior men on the staff. One of them was an assistant commissioner with six years' experience here and a chartered

[Mr. Mundy] accountant. Yesterday I had another resignation from another chartered accountant of about three years' experience. In this Colony. Unfortunately, chartered accountants are extremely useful men, and in both these cases the grounds for their resignation were that the salary they were paid was inadequate for men of their experience and ability. I look forward very anxiously therefore to the report of the East African Salaries Commission, in the hope that that position will be remedied.

It is most important that I should let hon. members be fully aware of the position, that the staff position has deteriorated, and I can make no promise whatever when tax assessments will be brought up to date. I have, however, one brighter side to it, and that is on the long-term basis. The Board of Inland Revenue in the United Kingdom have agreed to accept young men from Kenya for training at a three-year course, which will give them an excellent foundation of taxation experience, and when they have completed that course they will be able to come back out here to an assured job in the senior ranks of the service. I am very glad to say that one Kenya boy has already been accepted. He entered one of the offices in London early in October. His father had a letter from him to say that he had received a great welcome, and he looked forward with great keenness to passing his examinations and returning here to this department for his career. (Applause.)

The hon. Member for Rift Valley asked how the business of the new investigation branch was going along. The branch was set up in August, 1945, and, given a month or two just to get going, it has had two years' work now, and roughly it has produced £100,000 for an expenditure of £4,000. As a sort of black market business I think that a profit of 25 times the expenditure is an extraordinarily good result, and I think it has fully justified its formation.

The hon. Member for Kiambu spoke of a loan free of tax, and I just want to deal with the free of tax side. If it was at, say, 3 per cent, it would mean that the man exempt from income tax would get 3 per cent, but one of our very rich people paying Sh. 16 in the

£ would draw 15 per cent on his investment, and I think the hon. member will realise that it is quite impossible and illogical to issue a free of tax loan. It was done in the United Kingdom in the 1914-18 war and withdrawn for that very reason.

Then there was the point the hon. member Mr. Patel raised which I should like to take up, though I regret he is not here. He made reference to bribery and corruption generally, and he said that when they—I think he meant members of the civil service—saw other people making big profits, he does not blame them for falling into temptation. There is a lot of temptation in my department. The highest figure I have heard mentioned so far is £10,000, and the cause of that is this custom, if it is a custom, or the fact that some people seem to think that offering bribes is something which should be done, and when it is said that if a man falls he should not be blamed, I am afraid I cannot accept it. (Hear, hear.) I think the Civil Service would have me say that if any man in the Service accepts bribes, he is fully to blame, without question.

Then I should like to congratulate the hon. member for Uasin Gishu on his speech. I thought he was looking at the budget from the point of view of the main development of the colony, and I also noticed while he was speaking—and I should like to say this for the benefit of the hon. African members because they do not sit where I am—that the hon. Member for Trans Nzoia adopted an attitude, not by order of father, but in which his eyes closed, and his chest seemed to rise and fall regularly, and it seemed to me that the hon. Member for Uasin Gishu had succeeded in enabling him to secure that complete, blankness of mind for which he envied his African friends.

MAJOR KEYSER: On a point of explanation, I was dreaming! (Laughter.)

Mr. MUNDY: I was fully prepared for the hon. member to rise on a point of explanation, and I consulted my colleagues on my left and right and they took the same view as I did! I also noticed the hon. Member for Nairobi North glance at him several times,

[Mr. Mundy] apparently quite anxiously, wondering if the member might suddenly rise up and start to spit! (Laughter.) I also suspected that he might have been thinking that he had better get those magic words "You are telling me" out very quickly, and then dodge the straight right which was likely to come towards him.

The hon. Member for Kiambu asked me if I would be merciful to people in arrears with their income tax. I found that on 5th December last year I said: "In cases where two or three years have to be settled in one sum, my department is always ready to allow payments by instalments if there are financial difficulties". In that same speech I referred to the nine pillars of wisdom, which I think the hon. member will recollect, and I also dealt with one or two points raised by the hon. Member for Rift Valley, the present member, and I think that, in order to make this promise that I have given in dealing with these people quite definite, so that they shall not be forgotten, I should say to the hon. Member for Aberdare in his own words—the sort of language which he seems to be very fond of—"And Pharoah said, yet they harken not unto me, nor incline their ear!"

The last thing I have to deal with is the question raised by the hon. Member for Nyanza, in which he asked me to deal with the question of royalties, which will be dealt with by the hon. Financial Secretary, and he asked me if I had read the article by Mr. Soskice on East African mining. Yes, I have, thanks to him for lending me a copy of it, and my reaction to it is summed up in one paragraph in which it says: "The purpose of this paper has been to show that the mining industry is still in its early stages, but even now makes an important contribution to the economy of these territories". I agree with that entirely and I agree, and I have not forgotten—I mentioned it before—that the mining industry here helped this country tremendously during the slump of 1931 onwards. It is the natural resources to which we have to turn, and I should like to link with that paragraph from that paper a paragraph in another paper which was laid on this table yesterday, the speech of Sir Stafford Cripps. There are a lot of paragraphs

worth looking at, but just to take one paragraph: "It is the urgency of the present situation and the need for the sterling group and Western Europe both of them to maintain their economic independence, that makes it so essential that we should increase out of all recognition the tempo of African economic development".

I have referred to this before in this Council during budget debates and deplored the fact that so little reference is made during discussions on the estimates to the development of the colony. This time I believe D.A.R.A. has hardly been mentioned. The bulk of the debate has been taken up by discussions as to whether the African works or not, and I do feel that the key to the whole country at the moment is the development of projects which will produce the revenue which we are dealing with in these estimates, and I do hope that the Standing Finance Committee in examining these estimates will examine them in the light of the fact that we should increase out of all recognition the tempo of African economic development. (Hear, hear.)

I beg to support.

CHIEF SECRETARY (Mr. Rankine): Mr. President, I rise to take an active part in the debate in this Council usually with considerable diffidence. I have to follow an exceedingly experienced officer, and I am very much aware of my own lack of experience and special knowledge of Kenya. I hope that with the assistance of hon. members on the other side of Council, as well as my colleagues on this, that that will soon be put right. (Hear, hear.) In the meantime, I must rely on the indulgence usually accorded a newcomer.

I should like to start by dealing with some of the many questions that have been raised in regard to the efficiency, conduct, the integrity and the conditions of the Civil Service. As Chief Secretary I have a special responsibility for the Service. In dealing with this question, owing to lack of time, I shall have to be somewhat more general than I would like to have done, and if I am not able to answer all the points that have been raised I hope hon. members will forgive me.

[Mr. Rankine]

Many hard things have been said. We have heard such comments as that the police have shown more sympathy with criminals than with the law-abiding citizens. We have heard that there is chaos and inefficiency in every Government department. We have heard comment as to tabernacles of robbers. We have heard that personal relations cannot be improved by shooting or bombing. Well, sir, I should like to make it clear at the very outset that we do not resent complaints provided that they are justified and provided that they can be substantiated, and provided that there is sufficient information to enable us to take action about them. What we do resent, and resent most strongly, are vague statements easy to make, but difficult to refute and impossible to investigate.

I should like to say that we here have a very special interest in the integrity of the Service. If there are abuses it is perfectly clear to me that sooner or later they will be visited on my head, and I would be the first, therefore, to see that they are removed. If anyone has complaints to make and can substantiate those complaints, I hope that they will take advantage of the invitation made by the hon. Attorney General yesterday, and bring those complaints up so that they can be investigated. Many of the remarks made are obviously extravagant and exaggerated. For instance, the Government has never bombed anybody. I hope it will never bomb anybody, and I can see no advantage in using the word "bombing" at all.

It seems to me greatly to be regretted that members of the general public, and especially members with a special responsibility, should speak slightly or disparagingly of the Civil Service. If attacks of that kind are made and are not answered, I cannot see how we are going to attract men and women of ability to enter the Service and to take a pride in carrying out their responsible tasks. We shall fail to build up a Civil Service which is efficient, economical, and responsive to the needs of the colony.

Many members have spoken about the lack of efficiency and about the stupidity of civil servants, but they seem to forget that even for a donkey there are two

ways of encouragement. One is to lash it "with whips and scorpions", to use the words of the hon. Member for the Coast; the other is carrots, and the Civil Service would appreciate a carrot now and then. (Laughter.) A great deal has been said about the dignity of labour. The labourer is worthy of his hire, and I think that that applies to us on this side of Council as well as to anybody else. Again, much has been said about the African having lost his confidence in the Administration, and I cannot see how we can expect the ordinary African peasant in his village to have any confidence in the Administration when members of this Council, leading members of the community, persons who have special responsibilities, speak in such disparaging terms.

I must say that in certain ways I have sympathy with hon. members on the other side of Council, because it seems to me that in criticizing Government on these grounds they are faced with rather the same situation as the ordinary housewife in the United Kingdom at the present time. That is, they have to generate a great deal of heat with very inadequate supplies of fuel. (Laughter.)

The hon. Member for Mombasa said he deplored the lack of housing for civil servants. I would reply, "So do I". He has said also that he deplores the fact that civil servants may be running into debt. I would reply to him again, "So do I". He went on to say, I think, that this is his tenth budget debate and that he hoped it would be his last. Well, sir (laughter), if hon. members think I am going to make the same reply to that they will be disappointed because I am going to say that after the election we hope he will be with us again, that I greatly appreciate his advice and assistance, and that if he is sincere, as I know he is sincere, in his desire to assist civil servants, when the time comes to consider the recommendations of the Salaries Commission we very much hope that he will be here. (Hear, hear.)

I deny that there is chaos and inefficiency in every Government department

Mr. COOKE: On a point of personal explanation, I have already explained that I never said there was inefficiency. (MEMBERS: Order!)

THE PRESIDENT: The hon. member never attributed it to you. It was a statement made from somewhere in the course of the debate, but I did not hear anything in the hon. member's speech attributing it to you, and I do not see any need for you to rise.

Mr. COOKE: If it is not attributed to me, all right!

MR. RANKINE: For the purpose of this debate I am quite prepared to take whatever the hon. member says he did say, but I should be the first to admit that there may be many cases where the efficiency of the Service could be improved. (MR. COOKE: Hear, hear.)

References have also been made to the shortages of staff, to the shortages of accommodation, to the many additional tasks that civil servants have had to take on. Many of those are the consequences of the war, and during the war the Kenya Service carried on under exceptional conditions. Many members went long periods without leave, many members were kept at their jobs against their will; they were denied opportunities of going on active service, they did not have the glamour of uniform or opportunities for earning higher salaries or making excessive profits. In my view, they did a very fine job of work, and I think there is a Service here that any colony could be proud of. (Hear, hear.)

As regards organization, the hon. Member for Ukamba said a great deal about knowing more and more about less and less, or less and less about more and more. He made a thoughtful suggestion. His suggestion was that there were too many boards, committees, and councils, and that it would be a much better thing if there were a few high-powered officers whose instructions could be carried out rapidly. The whole question of providing an adequate machine for making a reality of the collective responsibility of Government is a very complex one, and many other administrators have given a great deal of thought to the subject. It is one which is determined largely by political ideology. One school of thought favours the general associating members of the public as far as possible with the Government; both in the formulation and in the execution of Government policy; hence the numerous boards,

committees, and councils and all the rest. The other school favours leaving the whole business to a few highly skilled officers whose orders are carried out, and I am sure the hon. member will be pleased to know, as he probably already does, that many people have come to the same conclusion as he has reached. The most notable among them, of course, in recent years were Hitler and Mussolini! (Laughter.)

We follow the second school, and it is our object to associate members of the general public with Government as far as possible. It sometimes leads to complaints of obstructiveness, but the ideal at which we aim is to provide the maximum of executive leadership and energy that is compatible with a policy of control. I agree with the hon. member that it may be less efficient, and I have no doubt that the hon. Financial Secretary would say that, if he were left entirely to his own devices, he could probably produce a very much better budget in a very much shorter time and at a great deal less trouble to himself, if there was no need for reference to Executive Council or to the Standing Finance Committee, or to this Council. (Laughter.) But the question is: would that budget be acceptable to hon. members and the general public?

The hon. Member for Mombasa and others have made a suggestion with regard to the Economic and Commercial Adviser. I agree entirely as to the importance of industry and commerce, and I should be the first, particularly in these days of controlled economy, to advocate that we should secure the willing partnership of industry and commerce with the Government. But there are certain difficulties. The most important of them is that industry and commerce here, especially in branches like banking, are conducted on an East African and not on a Kenya basis and that they cannot very well be divided up. Government holds the view that the development of this kind should be on an inter-territorial as opposed to a territorial basis. It would be prepared to consult other Governments concerned if there was a clearly expressed desire that we should do so. (Hear, hear), but I ought to point out that matters affecting industry and commerce are not

[Mr. Rankine] among the subjects which come within the purview of the High Commission and the Central Assembly under the proposals contained in Paper 210. We also hold the view that it would be preferable for the Central Assembly to gain experience in dealing with these subjects which it has been agreed should come within its purview before any additional subjects are added to it.

Meanwhile, as members will be aware, there is one of the leading members of the business community on Executive Council, and it would not be right to say that the views of that community are not properly ventilated when matters affecting it come up before the Council. We are inclined to agree, however, that there may be a case for redistribution of functions as between the present members. In view of the fact that the hon. Financial Secretary is already heavily overloaded, and if hon. members think or if they agree that that would be desirable, and if they agree it might be advisable to add those subjects to the schedule of another member, I should be glad to discuss the subject with him and with them.

As regards the Economic and Commercial Adviser, while it is true that his title is advisory he does, in fact, exercise a certain amount of executive functions in the Secretariat, and he is, of course, our main adviser on these subjects. I hope that through him and by direct contact with the people concerned, we shall be able to keep in very close touch with the commercial and industrial community.

Now, as we listened to the speeches of hon. members and as they urged reductions in taxation, and then went on to suggest a hundred and one matters in which expenditure must be increased, there seemed to me to be a lack of reality. Few of them suggested how these various views should be reconciled. A great deal has been said about following the dictums of the Governor and about how Government should enforce those dictums (Mr. COOK: Hear, hear), but many members seem to have forgotten his advice about keeping their feet on the ground and their heads out of the clouds.

I should like to congratulate the hon. member Mr. Patel on his speech (and I

am sorry he is not here this morning), when he said that collectively they howled for reductions in taxation while individually they suggest many projects which required increased expenditure. I will not labour this point further, because I realize how difficult it is to be constructive in the matter. It only serves to show the difficulties of the task of the Financial Secretary in drawing up his budget.

Much has been said on the subject of discipline—and naturally we were interested to hear that on the other side of Council there was an authority who enforced his discipline, that when he said "Turn" they all turned! And as we wish to know how to do that, we have followed his activities with considerable interest. I notice that, when speaking on the subject of reduction in income tax, when he said "Right turn" one member immediately turned left, and he seemed to throw the whole squad out of step and there was a great deal of confusion. Well, I do not know how long he has been in this Council; he may, of course, be a raw recruit, but it did remind me, as the hon. Member for Nairobi South came so magnificently up the straight on the sound of the bell, of some lines about Father William, which run as follows:

In my youth, said his father, I took to the law,

And argued each case with my wife;

And the muscular strength which it gave to my jaw

Has lasted the rest of my life.

(Laughter.) Well, as the hon. member finished his speech, it did seem to me that, so far as that kind of development was concerned, muscular development, there was at least one member of D.A.R.A. of whom it could be said he did not fail to deliver the goods. (Laughter.) And as we heard some of the booms and thunder on the other side of Council, it seems to me also that other members of the team had profited by his advice, and they also were making some development in this direction.

As regards D.A.R.A. (I am afraid that I have already taken rather too long), I would merely like to say this. It is perfectly obvious that, when the Development Committee report was drawn up,

[Mr. Rankine] they found the greatest difficulty in including all the schemes within the financial limitations and that, in present circumstances, with rocketing costs—

Mr. BOWSER: On a point of order, I hope Council will allow the hon. Chief Secretary more than the thirty minutes we agreed to, because D.A.R.A. is a rather important matter and I sincerely trust that will be the case. (Hear, hear.)

THE PRESIDENT: That, of course, is a matter for the Council itself. It seems to be the wish of everybody that no time limit should be placed upon the hon. member, who can therefore continue *ad lib.*

Mr. RANKINE: I was just saying that prices and costs have rocketed, and that it is now perfectly clear that, unless additional funds are made available, there is no hope in the world of carrying out the full programme. D.A.R.A. is left with the alternative of taking the most urgent priorities and completing them while funds last. Let me take one example, that is the Kenya Girls' High School. £315,000 were included in the original allocation. Since then another £45,000 has been made available; bringing the total up to £360,000. It now appears likely that it is going to cost at least £500,000 or £600,000 to complete the school as at present planned.

I will come back to that a little later on, but members must remember also that, with their approval, this condition was attached: "We consider that the first objective should be to use the natural resources of the country, including man power, in a manner calculated to increase the national income of Kenya in the shortest possible space of time so as to raise, as soon as possible, the standard of living of the majority of the inhabitants, and we have decided that every scheme should be examined against this background". If that criterion is to be applied strictly, it is quite clear that many highly desirable and necessary items, such as for instance, the new Mombasa prison, will have to wait a little while.

Much of D.A.R.A. work consists of building, and unfortunately we in this country at the present time have very large arrears of building to carry out. I need not enlarge upon the difficulties

of staff and materials, but what I should like to emphasize is that in young countries—and this is a young country—building standards are usually of a pioneer type. We have many buildings here which are certainly not the pioneer type. There are many buildings, public buildings, in Nairobi, of which any country could be proud, and I think as a result we have quality rather than quantity. But what is clear is that, if we are going to make up our programme, we must adopt very much more austere standards. (Applause.)

As regards housing I should like hon. members to know that we are trying to do something. We have a scheme for building houses for officers in Nairobi by *pius* methods, which is very nearly complete, but there are great difficulties. One member suggested that we should go outside the town. Well now, that may be all right for building one house or two houses, but if you are going to build 30 houses or 100 houses for officers whose work is in the town, you have got to be reasonably close to a bus route, you have got to have roads, you have got to have other services, such as water and light. However, as I have said, I hope that scheme is nearing the stage at which we can ask for funds and begin work.

Now as regards some of the points made by hon. members. I can give members an assurance that the staff we have is being well employed. It is not, of course, being as usefully employed as it could be if all the plant had become available, but it is doing good work. Again, as regards plant, we have unfortunately got to depend largely on American sources for heavy equipment, and the United States Government has had to apply a quota, which I understand is limited to something like 10 per cent of what would normally be coming out. That, of course, applies to our orders, and it is not likely that the position will improve before the end of next year. There is, however, reason to believe that large engineering firms which have expressed a desire to set up business in this colony will be able to bring with them their own plant and their own staff.

As regards the Indian school at Nakuru, about the middle of last month a letter was received from the Indian

[Mr. Rankine.]

which said that they had a local contractor who might be prepared to build the school for the sum which was provided in the estimates, greatly reducing the profit which they would normally have made. Well, sir, the Association has been supplied with the plans, and in addition with a print prepared by the Public Works Department containing suggestions as to how economies can be made, and if they can make arrangements for the school to be built in that way we shall be only too glad to authorize them to go ahead. (Applause.) I should like to take this opportunity of expressing our appreciation of the Indian Association in that matter. I hope that there will be many other examples of self-help in this way. I should be only too delighted if some other public benefactor would come forward and offer to build the Kenya Girls' High School on the same lines. (Laughter.)

If I may deal now with the question of the Kenya Girls' High School—I am afraid I am keeping hon. members a very long time, but I hear that there are considerable speculations and rumours circulating—I can put the position in a nutshell. The plans, as you know, are being prepared by private architects, and I heard a short time ago that it was likely that the cost would greatly exceed the money we had available. I have seen the architects and I understand that it is so; but, as the working drawings and the quantities for the four boarding blocks and for the sanatorium are very nearly complete and can be completed at very small additional expense, we have decided to complete them and to call for tenders. When those tenders are available and we have concrete information, we can then decide whether to go ahead and build the school as planned, or whether we shall have to consider some other more economical construction.

As regards the Government Indian primary school at Mombasa, there again plans are being prepared by private architects. They and the quantities, I understand, are almost complete and as soon as they are, we can authorize the Public Works Department to call for tenders and, if the school can be constructed for the money available, to go ahead.

The hon. Member for Nyanza stated how deplorable it was that a Government police officer should be sleeping in the mortuary. I am afraid he has been misled by the fact that a mud and wattle building detached from the European police officers' lines near the Norfolk Hotel has been nicknamed "The Mortuary".

Mr. EDVE: On a point of explanation, the building is very much in occupation. It happens to be of stone. That is why they like to sleep in it. But I think there must be some mistake.

Mr. RANKINE: I beg your pardon. My information seems to be inaccurate, but I will make further inquiries on the subject.

I hope that I have covered most of the points. I am afraid I am taking up a great deal of time. As regards the suggestion for a new prison in Mombasa, the Government recognizes that the construction of a new prison is essential, not only in order to release Fort Jesus as an historical monument, but because the continuation of the Fort as a prison is perpetuating a most undesirable state of affairs. But there are difficulties as regards a site, and also we have no plans prepared at present. I think I should also warn hon. members that the £100,000 provided for prison buildings in the Development Committee Report will be quite insufficient for all the buildings required, but I can assure hon. members that I will see that this matter is hastened on as quickly as possible.

Finally, before I conclude, I should like to congratulate the hon. member Mr. Ohanga on his speech. I do agree that in many respects the European community has not given the lead which it could or should do. Although it may be unpopular to say so, I do believe that both in matters of discipline and in matters of work we can give a better lead, and I hope that we will do it.

I should also like to congratulate the hon. member Mr. Patel on his speech on the subject of co-operation and the avoidance of racialism. In that connexion, though, I should like to strike a note of warning, because it is not sufficient merely to pay lip service to the principle of co-operation. It is no good suggesting one moment that there is racial discrimination in the distribution

[Mr. Rankine]

and the neat moment striking a high note on the ideal of co-operation. I say that in no spirit of criticism because I do believe that the hon. member was honest and sincere in the note that he struck and he was most courageous in making it. It requires a spirit of give and take on both sides, and it seems to me to require above all the establishment of the belief that employers and employees—whether they are black or whether they are white—must act together; that they are not promoting conflicting interests, but that they are engaged together in promoting the health and the prosperity of this colony. And if, sir, we can establish that belief, then I believe that the high hopes which the hon. Economic and Commercial Adviser has given us for "Kenya Unlimited" will be fulfilled.

I beg to support the motion. (Applause.)

Council adjourned at 11.05 a.m. and resumed at 11.17 a.m.

Mr. TROUGHTON: Mr. President, as I listened to this debate I felt very like my hon. friend the Member for Usain Gishu, feeling how remarkable was the effect which some obvious income tax relief could give. Last year the budget was heavily criticized, although it provided double the amount of income tax relief that is now being offered to the taxpayer, yet that relief did not take any very obvious form. It was an increase in allowances. This year the form is much more obvious—a reduction in rates. It may have been a case of *post hoc ergo propter hoc*, and it may not (laughter), but the fact is that the budget has been subjected to extraordinarily little criticism. Perhaps that is because—and I hope it is—hon. members feel that it is a superb document both in principle and in detail! But I would suggest to them that really this budget is a much more vulnerable budget than last year's. (Hear, hear.)

If I were inclined to criticize it, which naturally I am not, I would argue that the Financial Secretary has embarked on a runaway horse, that recurrent expenditure is mounting faster than the capacity of the Colony to pay, that the Government is a slow-moving machine consisting of thousands upon thousands of

under-worked civil servants battering on the country and performing no really useful function at all. If, on the other hand, I were of a different turn of mind, I would argue that it was wrong during a period of inflation to reduce direct taxation and, thus, increase purchasing power and the pressure on the very restricted amount of supplies available.

Seriously though, I should have felt much happier if this budget—and particularly the expenditure side—had been subjected to more criticism. The pace which we are setting in expenditure (which in the opinion of the Government and in my opinion is fully justified, but it is certainly open to debate) is leading to permanent commitments and, as my hon. friend the Member for Usain Gishu pointed out, one must in considering the budget take future budgets, and not simply think of the short term idea of what tax relief we can get for the immediate future and how we can meet expenditure for next year. The text "take no thought for the morrow, for the morrow will take care of the things of itself," or whatever the words are, is of no use in dealing with the finances of a growing Colony.

That brings me to an important principle regarding taxation. The hon. Member for Nairobi South felt—and he was supported by the hon. Member for Nyanza—that taxation should be governed by capacity to pay rather than by the requirements of Government departments. That is all very well, but I do not contend that Government is justified in extracting taxation up to the limit of capacity to pay. If the money cannot usefully be spent, as has been said again and again in the course of this debate, if the peoples of this country require services and demand them, they must be prepared to pay for them, and I suggest therefore that the level of taxation of this country may have regard not only to capacity to pay, but also to the needs of the Government and the people as expressed through their representatives.

I do not propose to emulate my hon. friend the member for Trans Nziola or my hon. friend the Member for the Coast and have a shot at what the national income is. It is too dangerous, and you are apt to have your figures

[Mr. Troughton]
 quoted against you. (Mr. COOKE:—Wise man!) I would, however, say this, that as a matter of opinion, and based on nothing more than an opinion, the level of taxation now is nowhere near the limit of capacity to pay, and I sincerely hope that as long as I have any responsibility for the finances of this Colony, it will always remain below the level of capacity to pay. By that I mean below the level where taxation causes a sharp reduction in the standard of living, whether it is of the European, African or Asian. We are not really on a firm wicket in speaking dogmatically about taxable capacity when we have no knowledge of the national income. In the compilation of this, the bottleneck, through no fault of his own, is very largely my hon. friend the Commissioner of Inland Revenue.

His statistics, which are not up to date and which recently received a setback in compilation, constitute an indispensable part of any compilation of an estimate of the national income. A further difficulty is the difficulty in getting statisticians for the Statistical Department, and for some reason or other the younger generation seems very reluctant to embark on a statistical career. However, steps are being taken to scrounge statisticians wherever we can get them. I mention these difficulties not as excuses for the fact that nothing is happening, because something is happening, and we are doing our best, and my hon. friend the Economic and Commercial Adviser has been extremely active in this matter. So we are driven back on rough and ready matters of opinion with few facts to confirm the judgment of capacity to pay. However that may be, whether taxation is up to capacity to pay or it is not, there is an obligation on the Government to ensure that there is no waste and that due economy is exercised in all Government expenditure.

That brings me to two points. First of all, it is quite clear that, on the expenditure side of these estimates, there is nothing like sufficient to enable Members of Executive Council in charge of groups of departments and their heads of departments to carry out the tasks that they feel they should carry out to the best of their ability. Hon.

members will have heard hints from the hon. Attorney General and the hon. Member for Agriculture, and I myself may have something to say at a later date in another capacity about more expenditure on the Customs Department. Examination of the requests made by members and by their heads of departments indicate that these estimates could be increased by about half a million pounds, and still the officers concerned would not feel they had sufficient funds to meet their reasonable requirements, and their requirements are not unreasonable. That is one side of the picture.

On the other, we have got the Efficiency and Economy Committee reports. Those reports are not suitable for publication, but a summary of recommendations will be sent confidentially to all unofficial members of this Council. But I should make it clear that it is, to use a phrase the hon. member for the Coast is fond of using, a monstrous exaggeration to say that these reports indicate chaos and inefficiency throughout Government departments. Of course they reveal inefficiency, and there is inefficiency in Government departments just as there must be in any organization that is run by human beings, who are fallible creatures. I will say this: that the committee and their recommendations have done much to help us to eliminate such inefficiency as there is. It is not widespread and it is not grave but, of course, it is there. These reports do not disclose any general over staffing of Government departments, in fact rather the reverse, because recommendations for increased efficiency in nearly every case suggest that extra staff should be engaged for this purpose or that, in fact, one of the main causes of Government inefficiency is that for the past few years we have been working on too small a staff margin. That is the plain fact of the matter. (Hear, hear.) Inefficiency will never be completely eliminated. As an example. A file on mining royalties laid on my table for nine months, a personal record. (Laughter.)

That was not, of course, because Government did not know what should be done about mining royalties. We do, and Government attaches very great importance to the production of gold. His Excellency's speech and Sir Stafford

[Mr. Troughton]
 Cripps' speech laid on the table yesterday, made that abundantly clear. As I once said, gold means dollars, and dollars mean food for the people of England, and this Government may be counted on to do everything we possibly can to further the production of gold. One point is that the price is not remunerative. Inquiries have been made of the United Kingdom as to whether they would wish to pay a subsidy to gold producers, for a straight increase in price is not possible for international reasons which I need not go into now.

To get back to the royalties file, I laid on my table because we were anxious to secure inter-territorial uniformity in regard to royalty, and so far we have not been able to do so. And the fact that we have not been able to do so, I think, one illustration of the supreme need for a Central Assembly with the appropriate committees where these inter-territorial questions can be properly ventilated and decisions reached on them after full discussion.

However, the position in Kenya is this. We have an enlightened system of gold royalties, royalties based on profits, so that if there are no profits there are no royalties, so that our royalty system should not in any way militate against the production of gold. In case, however, there is any doubt about it, Government proposes to take very early steps to amend the regulations to provide an adequate allowance for the redemption of capital expenditure, so that there shall be "no possible probable shadow of gold royalty" about the fact that the gold royalty system is in no way a deterrent, because it is of the very first importance that nothing should interfere with the production of gold. The question of a revision of the law relating to location title is under active, really active, consideration by Government, and if there is any other way in which we can further the production of this most vital commodity we will be only too happy to collaborate and consult with the representatives of the mining industry.

I am afraid I am wandering a bit! To get back to the estimates. The hon. Member for Ukamba wanted us to give him some figures showing the net expenditure in juxtaposition to the net

revenue from taxation. That can be done, and in future years we will do it, either in the body of the estimates or in the memorandum. As a matter of fact, one of our officers in the Secretariat got out a very interesting statement on these lines for the Plewman Committee, and the hon. member can have a copy if he wants one. Similarly, we will go into the suggestion of the hon. member for Nairobi North regarding the publication of an abstract of accounts from time to time.

Again on the subject of the estimates on general lines. Members have mentioned the possibility of a slump, and the Government associates itself with the views expressed a day or two ago by the hon. Economic and Commercial Adviser. At the same time, we cannot expect that the present annual expansion in revenue should continue indefinitely. For that reason I feel it is of some importance that the committee on the estimates should exercise a high degree of criticism in examining the expenditure estimates and additional proposals that will be laid before them. Much prudence is required, and one of the matters which will require prudence is expenditure on education.

It has been suggested by the hon. Member for Nairobi North this morning that a possible answer might be the raising of a large loan for the purpose of financing recurrent expenditure on education over the next few years. In all this loan business, there is unfortunately one limiting factor, namely, the extent to which lenders are prepared to lend at reasonable interest rates, as the hon. member well knows; in other words, the extent of the Colony's credit. In formulating recommendations the Development Committee gave very anxious thought to this problem, and I saw officials of the Bank of England and the Treasury about it last year, and it was quite clear from those discussions that the borrowing proposed by the Development Committee in their report represented the furthest we as a Colony would be likely to be able to go during the next few years.

On that hypothesis, and it is based on the best advice we could get in London, it follows that any borrowing for purposes not directly envisaged by the

[Mr. Troughan] Development Committee would necessitate a curtailment of the all too meagre programme proposed by that committee. It is true that a loan on a low rate of interest, free of tax, as proposed by the hon. Member for Klambu, might be valuable in mopping up purchasing power, but I do not myself see why the taxpayer should pay interest at the moment on a large loan which is not actually required now, although it will certainly be required in a very few years. Now the Government, because actually at the moment we have got ample cash on hand for immediate requirements.

That brings me to the suggestion of the hon. Member for Mombasa of a bursary fund. Personally, I think it would be wrong to draw on surplus balances to endow a bursary fund. These balances are our resources against a period of depression, and they will surely be needed for that purpose. I would strongly oppose dipping into them for this purpose. All the spare cash we have we have earmarked for D.A.R.A., and if the hon. member can show me a D.A.R.A. item of which we can lop off £50,000 or £60,000 and stick that into a bursary fund we might be able to meet his point.

Actually, there are scholarship funds in existence, and my own opinion is that both politically and financially it is probably best to go on voting year by year as much as we feel we can afford for the provision of bursaries. I should like to see philanthropic gentlemen of all races come forward with donations to these scholarship funds, and I think myself it is unfortunate there have been so few donations in this Colony for that most excellent purpose.

But however much we vote for bursaries, however much we have, there will always be people who just fail to get them. It is absolutely inevitable, and I can appreciate the difficulties experienced by the committees in making up their minds between Boy A, B, or C when there is only one scholarship for the three. That always happens, and if a person accepts membership of a bursary committee then I think he has got to be prepared to face up to that horrid responsibility, however much money in reason is available. Perhaps

the answer to all this will be afforded by the Glancy Committee on education.

The omission of African education from the terms of reference of the Glancy Committee was quite deliberate. It was omitted because there is no approved development plan for African education. The plan produced by the Development Committee was rejected by the Advisory Council. A further plan produced by members of that council was rejected by the main body. Now the hon. Director of Education, in collaboration with his provincial officers, has produced yet another plan, which I am afraid I have been guilty of sifting on some time, which would put a very heavy burden of responsibility on local authorities. That plan is receiving consideration, and I cannot say anything more positive about it than that. But until a development plan has been approved in principle, it would be idle to invite the Glancy Committee to make recommendations regarding financial implications. As soon as this plan or some other plan has been approved, African education will either be added to the terms of reference of that committee, or another committee appointed to deal with it, and I hope we will have an approved plan before we have a new Kenya High School.

My hon. friend the Director of Education and various other members spoke about the importance of technical education, and they also spoke of the multiplication of the N.I.T.D. by 2, 3, or 10, or whatever it was, in Centre B, and the hon. Chief Native Commissioner said that social welfare officers, African administrative officers, and various other people were going to be trained in various ways at Centre C, Jeanes School. I should inform the Council that there is nothing at all in the estimates of recurrent expenditure for any of these activities. At present, all the provision that is made for them is under the Demobilization vote, and both of those institutions have been and are being used for the instruction of demobilized soldiers in connexion with reabsorption into civil life. If they are to be made a permanent part of the Colony's social services, and I do not say they should not, but if they are to be used the amount of money will require careful

[Mr. Troughan] with this Council, and it will involve an addition to recurrent expenditure.

The future of the Industrial Management Board and the activities operated by it: the hon. Member for the Western Area reminded us that two years ago the future would be considered now. The hon. member is right, and the future is being considered now. I can say no more about the future policy, except that the Government does not intend to run these industries as Government industries indefinitely. As soon as a definite statement of policy can be made, it will be made.

Controls: There is little to add to what the hon. Deputy Chief Secretary said yesterday. I must, however, first mention the blackmarketing of rice and ghee referred to by various members. There is a black market in ghee, we know it, and we are trying to stop it with the assistance of the police. The ghee which is being properly surrendered to the Control is allocated by bulk distribution, and there is no evidence that it is being blackmarketed on any scale. It is the ghee which does not come into the possession of the Control. Rice is very much the same story. Rice is being blackmarketed by purchases of rice from rice-growing areas on the coast and the rice-growing areas of Tanganyika; and it is difficult to control because there are a large number of small producers, and physical collection is not very easy. Recently, however, supplies have become available on a larger scale and the ration increased, and we hope for a further increase in rice during the next month, which will do something to reduce blackmarketing.

But I would make this point, which applies not only to rice and ghee but also to potatoes—and I am surprised that no one has mentioned potatoes. A black market can only thrive if people are prepared to buy in it, and the people who buy potatoes at higher than the controlled price are just as much to blame as the dusky ladies who come and sell them at the back door. (Hear, hear.) As the hon. Attorney General said yesterday in another connexion, any informant who turns King's evidence will receive all possible security, and that goes for food-

stuffs, and I can give an assurance that in all proper cases when a black marketer or a person who has been operating black market transactions turns informer or King's evidence, the State will make it its business to see that that person gets his food should there be any question of his being victimized.

Of course I agree with the hon. member who said that there must be first-class people in charge of controls. That is all very well, but the normal first class people do not wish to take on temporary jobs. We have, however, been fortunate enough to arrange for a senior Government officer to take over responsibility for the Central Commodity Board at the beginning of the year, and for a former distinguished member of the Indian Civil Service to take over as Imports Controller. This is no reflection whatever on the officers who are now carrying out those duties. One of them, Mr. Swain, has got plenty on his plate as Maize Controller, and the other, Mr. Wake, is a customs officer who should revert to his proper duties in the Customs Department from which he has been severed far too long for his own good.

The hon. Member for Nairobi North referred to Imports Control and its inflexibility. If there is one thing about Imports Control, one predominant feature is that it is flexible, because we have been given by the United Kingdom Government a very wide discretion provided that we conform with the policy laid down, and it is a policy which it is essential should be followed on broad lines. There can be no question of using Imports Control in such a way as to create long term damage to the future industrialization of this country, and any instances which the hon. member or any other has in mind where Imports Control is used in a way that is detrimental in their view to the long term future of this country, I should be very happy to go into those cases and investigate them to the full. Imports Control is necessary as a protection to the long term future of this country, and I can assure all hon. members that those of us who have to accept responsibility for it loathe and detest it just as we loathe and detest having to say "no" to any reasonable request for either an import licence or an extra thousand on the expenditure vote.

[Mr. Troughton]

Subsidization of foodstuffs: The hon. Member for Agriculture yesterday indicated some of the difficulties, but I can undertake that the whole business will be subjected to as full and careful an examination as we can give it. The advantage of such a scheme is that, while it would lead, unquestionably lead, to increased taxation, if done on any scale as that, it would also tend towards stabilization in the cost of living. Until the hon. Member for Nairobi North spoke this morning, we heard very little about the cost of living, although I tried in opening the debate to draw attention to the dangers involved in the present position. One section of the community it would hit most severely is the civil servant, and I should like to thank those members on the other side who have spoken so kindly of the civil servant on their behalf, because they are, from the bottom to the top, passing through a period of severe difficulties from which I fear, the recommendations of the Salaries Commission will not wholly free them. Revision is necessary, but all salaries must be revised together, and it would be idle to do what the hon. Member Mr. Crocker wanted us to do, as I understood him; that was, to pick out the Asian civil servant for special treatment now. The Asian need of revision is great, but no greater than that of his European and African colleagues.

But I must say this about the Asian. The hon. Member Mr. Crocker said we have been dilatory about dealing with the recommendations of the Civil Service Advisory Board. These recommendations have been put in evidence to the Salaries Commission. I have not the foggiest idea whether the Salaries Commission will accept them or not, but I must make this point. In my judgment, the recommendations of that Board in regard to salaries are extravagant and would constitute a waste of public money if accepted in full. I say this not in order to prejudice the deliberations of the Salaries Commission, but I want the members of the Asian civil service to be quite clear that in the opinion of the Government, they cannot expect those recommendations to be accepted, and they ought not to be allowed to be led up the garden path by the fact that they have seen them in print.

The hon. Member Mr. Crocker also contended that the Asian civil servants should have gazetted posts open to them. I quite agree, but the trouble is that, although a very small number of Asians have the ability, combined with the sense of responsibility and devotion to duty which would enable them to discharge those responsible tasks, there are cases where Asians are promoted to responsible posts, and I am very glad to say, and just lately in our own office—the conservative Secretariat—we have appointed an Asian officer of outstanding ability to carry out duties which hitherto fell to a senior European officer.

Geological survey. I should like to add just a word to what my hon. friend the Commissioner of Lands and Mines said yesterday. There has been no question of the Government sitting back and doing nothing. Occasionally we do that, when it suits us, but not in this case. There has been no work, I know from 1944 to the present time. My hon. friend said that a draft application for assistance under the Colonial Development and Welfare Vote was being prepared. True, sir, but we have made every possible effort to get hold of geologists. What it really boils down to is that the shortage of geologists at the moment is so grave that we have got to wait—this is what we are told—until the first batch of the post-war generation comes out of the universities before we can hope to fill our establishment, but any geologist who is prepared to come to an interesting career, on a reasonable salary scale, is assured of a job if he comes to Kenya, and those hon. members who have got sons could do worse than inculcate the desire to learn geology in them, because it is likely to prove a very remunerative career for the future.

Since the hon. Member Mr. Patel spoke we have heard much on the question of co-operation between the races in this country, and I should like to endorse what has been said by my hon. friends the Chief Secretary and Deputy Chief Secretary. I think that, with the exception of the hon. Member for Health, I have lived in this country as long as any other member of the Government front bench—the Chief Native Commissioner and I are the same

[Mr. Troughton]

day—and during that period of 2½ years this colony has been much distressed by the play of inter-racial feelings and suspicions. To one coming from Ireland these feelings and suspicions seem small—hence the breadth of vision of my hon. friend the Member for the Coast and the Member for Rift Valley, and myself. (Laughter.)

In this country these inter-racial feelings have shown signs of becoming a pest from which none of us can fully disclaim responsibility, but with the end of this year we embark on a new era. This Council will have an unofficial majority, but what is far more important, there will be an East African Council with an unofficial majority, and I suggest that it would be tragic for either of those majorities to become playgrounds for inter-racial activity and acrimony and rivalry. (Hear, hear.) Let us rather hope that the Central Assembly in particular, and this Council, will become forums symbolical of co-operation between the races, and that in the Central Assembly Kenya's delegates will be prompted not by inter-racial rivalry but only by the desire to advance the peace, prosperity and welfare of this colony and Protectorate and of those whose interests have been committed to our charge. (Applause.)

The question was put and carried.

KENYA AND UGANDA RAILWAYS AND HARBOURS ESTIMATES

SECOND SUPPLEMENTARY, 1946

SIR R. E. ROBINS: Mr. President, I beg to move: That the Second Supplementary Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours for 1946 be adopted.

These are only accountability adjustments. There is no change of policy and there is nothing which calls for comment.

MR. TROUGHTON seconded.

The question was put and carried.

FIRST SUPPLEMENTARY, 1947

SIR R. E. ROBINS: Mr. President, I beg to move: That the First Supplementary Estimates of Revenue and Expenditure

of the Kenya and Uganda Railways and Harbours for 1947 be adopted.

In connexion with this motion I should like to draw attention to one or two points. One is that, owing to the uncertain position at the end of 1946, an amount of £337,000 odd was carried forward to 1947. During 1947 the Railway Administration, in common with most businesses in Kenya and Uganda, did very much better than was expected, and as we have seen from the details in the First Supplementary Estimates, it is expected that a sum of £275,377 will be carried forward unallocated to 1948. That figure is really rather misleading. It is true that the amount has not been allocated, but it has to be borne in mind that, included in that amount, is a sum of £216,000 which ought to have been spent on deferred maintenance, but which for physical reasons could not be spent, and it also includes a sum of £330,000 set aside for the possibility of having to meet the recommendations of the Salaries Commission. We do not know what these recommendations are, or whether the sum will be sufficient or too much, but the fact is that a sum of £330,000 is included in that amount to be carried forward.

MR. TROUGHTON seconded.

The question was put and carried.

ESTIMATES, 1948

SIR R. E. ROBINS: Mr. President, I beg to move: That the Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours for 1948 be adopted.

As is my usual practice in moving these estimates, I do not propose to go into a lot of detail and quote a lot of figures, because I am perfectly convinced that it is impossible to grasp the significance of large figures by means of the ear. In the front of the estimates I have prepared and submitted a very full detailed examination of the proposals in the draft estimates, giving the explanation of the various figures included therein. I do hope that members have read that memorandum, and particularly the latter part of the memorandum which is headed "General", which gives some idea of the policy, the figures and

[Sir R. E. Robins] the other matters which call for special consideration at this time.

In regard to the estimates, on my return from England a great deal of work had been done in regard to the preliminary preparation of the estimates, but just before I left England the present economic crisis, as it is usually called, assumed great importance, and on my return to East Africa it was absolutely necessary that the whole question should be reviewed in the light of the requirements made necessary by this economic crisis.

It was difficult at that time to know exactly what was likely to happen, but I felt that the matter must be reviewed and that I must as far as possible take the best advice that was available. Hon. members know perhaps that I do not attach quite as much importance to estimates as a good many people do in this country. I regard estimates as a guide. I think we are far too apt in this country to assume that estimates are matters of fact. They are not matters of fact. Very often the facts differ very much from the estimates. At the same time I do feel that it is necessary as far as possible to give the people of this country a proper guide so far as we can ascertain the facts. The consequence was that I had a number of discussions with business men, shipping executives, various Government departments, the Army, and finally with the hon. Financial Secretary, and the revenue has been fixed, as you see in the estimates, at nearly four and a half million pounds. It does differ a little from the estimates prepared by my hon. friend the Financial Secretary, in that, although I have made allowances for the variation of restrictions in regard to imports, I have also to make allowances for certain Army transactions which are likely to take place in this country and which do not affect the colony's budget. I shall deal with those transactions a little more fully later on.

There was one thing that did strike me in the course of those discussions, and that was that I found that the business men in this country were even more conservative than Government departments, or than I am myself, and I mention that because from time to time

members have rather taken me to task here in regard to the estimates which they judge in the light of future events, because the estimates have not been as accurate as they thought they ought to have been. In my own case I had an absolute answer, in that the estimates were made more conservative by the views of business men than I was myself prepared to make them.

I do not think I need say any more on the question of revenue.

On the expenditure side I am afraid I can only tell the same story as has been told several times during the last few days in this Council, and that is that we are facing a period of rising costs—costs which are rising at an absolutely phenomenal rate, over many of which I can exercise no control at all. They are costs on articles produced outside this country, or they are costs which are incurred as a result of the rising cost of living, or adjustments made in wages by external authorities. But also on the expenditure side we are making provision for the overtaking of arrears of maintenance to the extent of £86,000. As I mentioned in speaking to the previous motion, that estimate of deferred maintenance in total is about £216,000, but for physical reasons we cannot undertake more than about £86,000 of that total maintenance during the next year, the reason being, of course, the difficulty in obtaining materials, and, of course, the general question of staff and skilled employees.

Having quoted those few figures, I propose now to pick out one or two items of interest in these draft estimates. In order to give me an opportunity of painting a picture of the traffic situation and the general policy of which these estimates are only the expression.

On the question of deferred maintenance and new equipment, there is no doubt whatever that the financial position of the Kenya and Uganda Railway is very good—it is in a very strong financial position. But I am nothing like so happy about the physical condition of the railway. We entered the war very fully equipped, but we had to cope during the war with a volume of traffic that was never anticipated and for which the equipment was totally insufficient.

[Sir R. E. Robins]

The only way in which we could maintain those services was just by knocking the equipment to pieces. We hoped, and I thought we had a reasonable hope, that once the war was over the position, as it did after the first world war, would change very rapidly and that we should very early overtake all the damage that had been done during the period of the war. Nothing of the sort has happened and, in fact, the demands to-day which are being made upon the Kenya and Uganda Railway are as high, and in some cases higher, than they were in the course of the war, so that we have had no opportunity whatever to overtake further maintenance and, as members no doubt know, I have had no material addition to the equipment of the Administration. I regard it as a matter of great importance that we must get on as far as possible with making good deferred maintenance and we must do everything we possibly can to get additional equipment.

A day or so ago we adopted a motion in this Council in regard to the raising of loan funds, which I was very pleased to see so very well supported, and among the items in the proposal was an amount of roughly one and one-third million pounds for additional rolling stock, and orders have been or will be placed to that extent. Now I should like to tell members a little about this general position about getting new equipment.

Hon. members know that last year I went to England for what was alleged to be a holiday. While I was in England I spent an enormous amount of time and trouble in trying to see what I could do to make sure that we at least could take our place in the queue, in order that we should obtain some of this very much needed equipment and re-equip our railway and harbour system. I saw the "high-up", to use common parlance, of the manufacturers of rolling stock and all those who are concerned with production of that sort of material in the United Kingdom, and I came up against some very serious difficulties which I think the public of this country ought to know.

In the first place, in the United Kingdom the practice in the past has

been for very nearly all the Railway Administrations to build their own rolling stock and locomotives, and the private locomotive and coach-building industries have been mainly concerned with the construction of locomotives and rolling stock for export overseas. But the position in the United Kingdom in regard to rolling stock is very serious indeed, and I do not know whether hon. members heard the announcement on the radio on 2nd or 3rd December, which was a statement made by Sir Stafford Cripps—I do not think it has been repeated in the local Press, although I hope it will be—where Sir Stafford Cripps pointed out the serious position of rolling stock in the United Kingdom, and when he came to the conclusion there was a shortage of, I think I am right in saying, of somewhere about a quarter of a million wagons in the United Kingdom. The consequence of that is that these private manufacturers of rolling stock have been compelled by Government direction to set aside from 25 per cent to 30 per cent of their output for the rehabilitation of the British railways.

One cannot argue against that, even if one wished—I personally could see the justice of it. The only way in which we could hope eventually to get the things we require is to move the coal and steel or whatever it may be in the United Kingdom from the various factories, but 25 to 30 per cent of the output of those factories is devoted to the United Kingdom.

Next is the question of priorities as between the various overseas countries. In that connexion I was told—and I think rightly so, and I think any reasonable man must accept it—that the "fat position" in the United Kingdom is so urgent, and the groundnut scheme in Tanganyika is equally urgent to alleviate that position that Tanganyika must have preference in regard to supplies of rolling stock. That, I think, is a reasonable argument, although I did adduce the further argument that it was not sufficient to consider Tanganyika in isolation, that there was no physical boundary between the two territories, and that a good deal of the transport required in connexion with the groundnut scheme must come from Kenya.

[Sir R. E. Robins] But, other things being equal, Tanganyika will receive a certain amount of preference. There is also the question of countries like Malaya and Burma devastated by invasion, and which, if their way of life is to continue, must be supplied quite quickly, and one of the first things needed to put them into decent condition is locomotives and rolling stock.

So that the position is that there is not a great deal of manufactured equipment available for our requirements. On the other hand, I did receive appropriate consideration of the arguments I put up, and those arguments, I hope, will now be reinforced by the motion passed the other day in this Council, that we are ready to produce the cash. But I am afraid that we cannot expect any alleviation of the position until the end of 1949 or 1950. I may mention, however, that among the things we have ordered, and we were very lucky in this respect, is 16 Garratt locomotives. I was lucky because, when I was in England, they told me they could not accept an order for more than six, but I pressed my point very strongly in England, and after I had returned to this country I had a telegram that they could step it up to 16, and they have now agreed to that figure.

On top of all these difficulties has been added this very serious one, the transfer of stores from the Middle East to MacKinnon Road. While I was in London this question assumed considerable importance, and I attended quite a number of discussions, also during my alleged holiday, on this subject. The information which I had from this end was that to deal adequately with this project would need six or seven new engines and 300 to 400 new wagons. I was told in England, for the reasons just mentioned, that it was completely impossible to do this, and an appeal was made to me somewhat on these lines: "That if in fact the Railway Administration cannot do something to assist us in this particular instance, the British taxpayer will lose a very large sum of money, running into hundreds of millions". The consequence was that I said we had produced rabbits out of the hat before and we would have another

shot to find another rabbit. But other factors had to be taken into consideration.

There was one thing which I felt the military authorities could do to alleviate the position between Mombasa and MacKinnon Road; by agreeing to have a road between those two points built to full standard, and the stores to be first transferred from the Middle East should be by the mobile vehicles the army had by running a series of road trains, thereby supplementing the rail transport and lessening the difficulties with which the railway would be faced. I mention this because I feel that by the action I then took—not mine alone but by the Government as well—by the action we then took we have made again a notable contribution to solving the difficulties of the United Kingdom, and I do hope that will be recognized, because it was a problem which I should have been fully justified as General Manager in saying I could not undertake. (Hear, hear.)

Also dealing with the sort of general situation is this question of the groundnut scheme. I do not want to go into a lot of detail on it, but it must be remembered that the general development on the scale envisaged in Tanganyika must have its repercussions on the transport system of this country. Tanganyika cannot be considered in this particular case in isolation, we have got to consider East Africa as a whole, and we shall have an opportunity—or some will—to give further consideration to this question a little later on, because it does throw into prominence the importance of this question which has to be decided in the very near future about the amalgamation of the East African Railways and their control under the new East Africa High Commission. In that connexion I do know a great deal of the groundnut scheme. I was drawn into many of the discussions at home as to what is going on regarding the development of the groundnut scheme and the key to that scheme is transport.

Hon. members will no doubt also remember that last year I told them that we had under consideration the question of changing from coal to oil as locomotive fuel. We are still pushing on with that. We hoped we would be on partial

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conversion by January next year, and there is still a possibility that we may do so, but we have had several setbacks, one of which is the stranding of an American ship with a lot of equipment 150 miles south of the Mozambique Channel and, unfortunately, to save the ship they jettisoned a lot of equipment, which I had hoped would have been here last month. Steps have been taken to try and make good the equipment, but it has given us a setback. I hope that when we get on to oil fuel, some of the difficulties I have experienced in the past year in regard to maintaining services owing to the shortage of coal fuel will disappear.

Before I leave the general question of rolling stock and new stock and the difficulty of transport problems next year, I should like to emphasize this, that the whole key to the successful operations during next year with all its difficulties is the supply of wagons. We cannot get new ones, for the reasons given, therefore we have got to make the existing wagons do a great deal more than in the past. We thought that we had achieved top records during the war. We have just got to beat them, and that emphasizes the importance, which we never realized at the time, of the realignment between Nairobi and Nakuru, and it is my definite policy as far as possible to speed on with this realignment, the main reason being that if we can knock off 25 minutes between here and Nakuru and have a full load instead of two-thirds from here to Nakuru, it will be equivalent to making me a present of about 150 wagons. In other words, we shall be able to turn round more quickly and be on the job again. In all seriousness, I make an urgent appeal to the public to help themselves and to help the railway by the very rapid release of railway wagons. Not only will it help us in dealing with this problem, but it will help the users themselves, because if we can release the wagons quickly it means that they turn round quicker and the wagon is back again for the next consignment, so I would like to appeal to the country for the maximum assistance in, and I am not exaggerating, a very difficult period ahead of us.

Now I should like to turn away from actual operations to the question of wages. I have already drawn attention in the memorandum on the estimates to the alarming sum necessary in regard to war bonus, increases of wages, and so on. Hon. members of this Council have heard me speak many times on wages, and I have not the slightest doubt that they are fed up to the back teeth with my comments on wages. I am sure that from time to time I have been completely misunderstood about wages. I am no advocate for the depression of wages. I am an advocate for the payment of high wages, but there are, I think, as far as I know, three ways of paying high wages.

I am going to indulge now for a few moments in higher economics and will try, in deference to the wishes of the hon. Member for the Coast, to avoid any jargon. But there are only three ways known to me whereby one can get high wages. The first is by increasing the national wealth of this country. This is the first method. The national wealth of the country—and I will show it in as simple terms as possible, for economists as a rule use complicated terms, and I must guard against this—broadly speaking, the wealth of the country is the indigenous soil and what is beneath the soil, plus the hard work of the inhabitants in the country. That is why I always emphasize this question of hard work. There are other factors which can help a great deal. One is by the proper investment of our capital; in other words, the paragraph which the hon. Chief Secretary read out is the material paragraph of the Development Committee report, that we should invest our capital in such a way as to raise "the national income of Kenya in the shortest possible space of time so as to raise, as soon as possible, the standard of living of the majority of the inhabitants". And as the majority must be workers it is to their advantage to raise the national income, and every Government agency, and private agencies, should devote all their energies to raising the national income because a bigger cake so that all can get a bigger slice out of it. That is a long term or medium term project, we cannot do it overnight.

Another way in which we can raise wages at the present time is by a redistribution of income. We do not know

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very much, we have not the statistics, of how the income is distributed, but any person who listened to the debate in this Council a week or so ago on the Flewman Committee report would come to the conclusion that a redistribution of income is not a feasible possibility at the present moment. Therefore the only other way—short of redistribution of income or making the cake bigger, is by inflationary methods, and that is the method we are adopting at the present moment, and it is entirely wrong. We put up these cash wages, but, in fact, the real wages of the African and every worker are no better than they were before, for this simple reason. As soon as you put up wages, the cost of services, the cost of everything you buy, is put up a little more, and so you start the circle round and round. In other words—I nearly said spiralling, but I will refrain from doing so. But that is what is happening at the present moment.

Some months ago I was terribly distressed in this Council by a debate which took place, and I felt compelled to get up and make a speech on the spur of the moment in rather stern terms. I am referring to the debate on the Development Committee report. I would like to refer to the speech made by the hon. Member Mr. Mathu during the course of this budget debate. Had that speech been made at the time of the Development Committee report debate I should have had an entirely different view altogether. I think that was a major contribution, and I felt much happier when I heard that speech than I have felt for some two or three years past in regard to this question of wages, work output, and so on. I know how courageous it is for the hon. Member and his colleagues to say that, but I do hope, in the interests of the African people, not in my interests, not in the interests of the European, but in the interests of the African people, that he will pursue that policy as hard as he possibly can, because only in that way can we keep our feet on the ground, can we get the real wages higher than they are to-day, as distinct from the money wage.

The position now is that with the cash wages going up as they are, it is necessary for us to review all these

questions—the employment of unskilled labour and mechanization. I am not one of the people who argue that mechanization throws a lot of people out of work. That was put up by the Chartists, and was proved to be wrong in the long run, but it will introduce for a time a certain amount of what is called, in economic jargon, "frictional unemployment". But the mechanization of certain work such as the handling of coal and so on, does not mean that you cause a lot of unemployment in the country. Eventually, it must get costs down by more transport, handling more coal, and treating more employment.

Before I leave that particular subject I would draw the attention—and I shall have something to say on that in a minute or two—of hon. members to the fact that the Railway Administration has been able to hold the position in regard to railway rates, but if in fact we had to put up railway rates again, it would depress the value of the railway and other wages because it would put up the cost of everything everybody has to buy.

Finally, the position in regard to the estimates is that there is an estimated surplus of £660,000, but again I would draw attention to the fact that this is a misleading figure because it includes the £30,000 I mentioned before, plus the provision of £140,000 from this year, making a total of £470,000 in regard to salary adjustments following the Salaries Commission's proposals, and £130,000 deferred maintenance which I mentioned we should not be able to carry out in 1948.

There is one point in connexion with the allocation of the surplus, and that is that I feel we must pay a little more attention to the provision of funds for betterment. Some years ago the High Commissioner accepted the advice of the Railway Council that amounts set aside for betterment should be very limited. I make no secret of the fact that I have not been altogether satisfied with that policy, and I think there are many arguments on the other side, but the fact remains that what you could get for £100,000 in 1939 would cost you £200,000 or £300,000 to-day. Furthermore, in spite of all the discussions we have had here from time to time on the question of raising loans, the fact is I

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have had some experience of it during my time in England this year. It is extremely difficult to raise loans, externally at any rate, and we must make some provision for capital improvement.

That brings me to the final words that I want to say in connexion with these estimates, and that is that it has been represented to me in various quarters that the Railway should take its courage in its hands and should make a very definite contribution to this cost of living position, by making a substantial reduction in rates. I have a lot of sympathy with the arguments put forward, but they are rather of the heart than of the head because, much as I should like to do this—and hon. members will no doubt be aware that there is no more popular General Manager than a General Manager who gets up and recommends rate reductions, and there is no more convenient time to do so than when he is about to go on pension—a cheap way to popularity is to recommend rate reductions.

I am not going to recommend rate reductions. I believe it is absolutely wrong to reduce rates. Furthermore, I do not believe we can. I do not believe the financial position would permit of such a thing. First of all, I contend that the Administration has made a very notable contribution to the holding of the cost of living, as far as it can be held by the fact that we have maintained the 1939 rates. Secondly, although I am always rather averse to making comparisons with other railways and so on and attributing to myself rather wonderful, the fact is, I think it only fair to state, that we are the only Railway Administration in Africa, and very nearly the only Administration in the world, that is maintaining its 1939 rates and charges. (Applause.) Every other railway in Africa has increased its rates and charges. Therefore I do contend that we have made a very notable contribution.

The second point is this, and it is a most important point. So far as railway rates are concerned, the greatest good you can do to a country is to stabilize railway rates. We could not possibly face violent fluctuations on transport rates. It is impossible to reduce rates one year

and put them up the next, and that is all you can possibly do in present circumstances. You can only reduce rates when you can maintain them over a very long period, and the financial position of this Administration, when we have met all these capital commitments, when we have done our deferred maintenance, and made the salary adjustments, does not make me think that we can maintain rate reduction over a very long period. In other words, you cannot reduce rates unless there is some sense of permanency, and would anybody in this country to-day or outside it say that there is any sense of permanency in the world to-day? There is none, and it would be in my opinion a fatal mistake to talk about reducing rates.

There is one further point about this question of reducing rates as a means of helping the cost of living, and that is we must remember—and I think it is my duty to draw Council's attention to it—that a very large number of commodities are conveyed over this transport system on what were out of pocket rates in 1939. We had, I know, very detailed calculations made in 1939, and I can assure you that they are not out of pocket rates now—they are below out of pocket costs, and yet they are the rates of the very commodities which have such an effect on the standard of living—maize, wheat, posho—all those commodities which form the essential foodstuffs of the majority of us. Therefore, if we did review the rates at the present time I would undoubtedly mean that we would have to raise these rates, even if we reduced some others. Therefore I do not feel that the financial position justifies any reduction in rates at the present time, but I thought it wise to give the reasons for it. I may say that my view is shared by Railway Advisory Council.

Finally, before I sit down, I must pay my tribute to the work of the Railway Advisory Council and the Harbour Advisory Board. I have said many times in this Council that regard the work of those Boards as a matter of the greatest importance to the interests and economic stability of this country. Quite apart from that, the way in which they handle their business is extremely good and the assistance they render to me is gratefully acknowledged. (Applause.)

Mr. TROUGHTON seconded.

The debate was adjourned.

Council adjourned at 12.50 p.m. and resumed at 2.15 p.m.

The debate was resumed.

Mr. NICOL: Mr. President, before we adjourned we listened to one of the most interesting and, I think, informative speeches which we have heard for a very long time (hear, hear), and I should like to express the hope that the hon. mover's speech is published verbatim, because I think it contains a wealth of information which should be disseminated throughout the Colony. We all realize, I think, the extreme difficulties under which the hon. General Manager and his Administration are working to-day, and I am sure that I am voicing the opinion of everybody here and elsewhere when I have the temerity to congratulate him, and not only him but all those who come under his command, from the top right down to the bottom, on the excellent and magnificent service which they have rendered and are rendering to the colony. (Applause.)

I, as much as he, and I expect everybody else, was very disappointed at the gloomy picture which he has painted in regard to the supply position of rolling stock, and when you take into consideration the hard work which the existing rolling stock has had to do during the last few years—indeed, it seems to me many years—I think that is an added reason why we can give our congratulations to him for the amazing figures which are displayed in these estimates.

There was just one point which arises on the recent debate that we had on the subject of the loans, which the hon. General Manager did not quite clarify. The question which I asked then was—and it is time the information was brought out into the light—although it may have to be left until the Central Assembly is set up under 210: Is it not a fact that the actual transfer of the land, the area, on either side of the railway has not been made over definitely under 210, and if he thinks it possible that the possession of that land would enable the Railway Administration to carry their own loans? Perhaps the hon. member

would be good enough to clarify the position.

On the subject of maintaining existing rates, the hon. member took pride in the fact that his railway was the only one in Africa which had maintained the same rates as in 1939. Looking at it from one aspect I agree he is deserving of congratulation, but it passed through my mind as he made those remarks that if the rates in 1939 are fair rates for 1947 and in 1948, then I suggest there is a possibility that his words might be interpreted to mean that the rates in 1939 were most exorbitant, particularly when you take into consideration the enormous amount of traffic that has to be carried by the railway to-day as compared with 1939. It cuts both ways somehow, does it not? (Laughter.)

There is a point, and this is a most important one. I was very glad to hear the hon. member subscribe to the principle of mechanization. I could not agree with him more. But I was somewhat horrified and somewhat surprised a few weeks, or perhaps months, ago when he was on that so-called leave of his, his deputy in this Council answered a certain question of mine on the subject of labour required for the Nairobi-Uplands section of the line. We elicited from him the amazing information that not one of the successful tenderers for sections of that contract had mechanical appliances and, in effect, the amount of labour required and the time in which the job was to be completed represented a figure of no less than three million man days. That, I think, in view of the labour position in the colony to-day, requires very careful consideration and reconsideration.

We heard a lot about the labour position in the colony in the recent debate on the motion by the hon. Finance Secretary. Indeed, at the time I asked my original question, there was a certain shortage of labour, at least I was given to understand, on the Gilgil section. Since then, the stores depot at MacKinnon Road is becoming a very live and active project. Here let me intervene and say that I sincerely congratulate the hon. General Manager in making it possible, and also in securing the active co-operation of the military

[Mr. Nicol] well, to use a colloquialism, with their trousers down. Ships are delayed there and cannot get the produce out, and what is happening? There is a possibility of developing Mombasa as an in-transit port to assist Dar es Salaam, and I think it would be a good investment for the railway to increase their transit shed accommodation, because my experience there in the past is that very often the transit sheds are not used as transit sheds but rather as godowns and warehouses. I understand that steps have been taken recently to put up the rates, but are steps being taken to put up alternative warehousing accommodation? I advocated that the Railway should do that some time ago when I had the privilege of serving on the Harbour Advisory Board.

Of course, all these things do have an effect on the labour situation generally, and farm labour in particular, and it strikes me that this is a matter which should receive much more careful consideration. I would put it before works of major importance are embarked on without mechanical appliances. It may be argued that people have not got mechanical appliances, but if major works have to be got on with, mechanical appliances have to be brought in, and if the groundnut scheme is able to get the mechanical appliances they require I see no reason why indeed this Government itself could not import the necessary mechanical appliances and sell them to the contracting companies, because unless something is done, unless more serious attention is paid to this development work by mechanization, we are going to land ourselves in an extraordinarily difficult situation from the labour point of view throughout the whole of East Africa.

There is one other point I would like to ask my hon. friend. That is, in view of this visible rapid development going on, what steps are going to be taken for increased storage facilities, both inwards and outwards, in or around or by Mombasa? Due to what I consider considerable shortsightedness in the past, Dar es Salaam on our south has got itself into a hopelessly congested state. We urged—when I say we I mean the shipping companies and people interested—that more godown accommodation should be provided in that port. The answer was: "It will not pay". Then, of course, the flood came upon them, and now they are simply caught,

well, to use a colloquialism, with their trousers down. Ships are delayed there and cannot get the produce out, and what is happening? There is a possibility of developing Mombasa as an in-transit port to assist Dar es Salaam, and I think it would be a good investment for the railway to increase their transit shed accommodation, because my experience there in the past is that very often the transit sheds are not used as transit sheds but rather as godowns and warehouses. I understand that steps have been taken recently to put up the rates, but are steps being taken to put up alternative warehousing accommodation? I advocated that the Railway should do that some time ago when I had the privilege of serving on the Harbour Advisory Board.

One small thing—the question of the harbour *vis-à-vis* the railways. I have advocated before, and want to do it again, that the harbours should be divorced from the railway and should come either under a Port Commission or some other body. I think I mentioned it in the debate on 210, I think it was, and I repeat it, that it is an opportunity when considering the amalgamation of the K.U.R. & H. and Tanganyika Railways that the ports of the two territories—the sea ports I am talking about as opposed to the lake ports—should be placed under one authority and the railways under another. I do not think harbours and railways can be administered co-jointly, we have seen the difficulties, and I have had practical experience of it, of the port of Mombasa being controlled and run from Nairobi, and it might at times get down to a farcical position. I sincerely urge that whatever body examines the question of amalgamation, that it will give the most careful consideration to the question of divorcing the harbours from the railways as was recommended in the names report by I cannot remember the names, gentlemen who were appointed as a commission to examine that very question in South Africa, and who recommended along the lines I am advocating.

With those few remarks I support the motion.

Sir ALFRED VINCENT: Mr. President, this debate—and especially the one point touched upon by the hon. Member for Mombasa—gives me the opportunity of

[Sir A. Vincent] again returning to the charge on the question of Government organizing labour. I have never been so disappointed as I have been in these debates with Government replies. I made my suggestion in all sincerity. That suggestion was evidently received with resentment by many on the official side who spoke. That is my impression, and if it is necessary for Government to distort and misinterpret a suggestion in order not to face it, if it is necessary for them to take refuge behind international conventions in considering a matter, then all I can say is that I am very sorry.

The present position in this country is that you have this very large MacKinnon Road stores organization; you have this very necessary railway project which perhaps will, as the hon. General Manager said this morning, be of great relief to his lack of rolling stock; and in addition to that you have the aial position, as I pointed out, and there is a labour shortage generally throughout the country. All my suggestion was—and I did not mention the word "conscription", and had I had more time I would certainly have given further details—that in my opinion the Government should be responsible for the proper organization of labour, so that the labour which is available is put to the best possible use, and we are now coming to a contretemps over labour because those large organizations are asked by farmers—and I believe that it is so—to be offering more attractive terms; and we are just robbing Peter to pay Paul.

Therefore I should like most emphatically to deny that there was any intention on my part to suggest the reintroduction of conscription. There was no suggestion on my part that Government should become recruiters for private enterprise in any way whatsoever, but my suggestion was merely that the Government should face their responsibilities now and not try and wriggle out of them. I am not threatening, I am not warning them; I am merely pleading with Government to-day to face this issue in the face of altered circumstances, and I hope that in these few words I have made what I intended quite clear to hon. members on the other side. If I had meant conscription I should have said conscription.

I am certain nobody would suggest that the Chief Native Commissioner lacks courage, but I would say to him before he gives a speedy reply that I did say in my speech I did not expect an immediate reply; but I am appealing to Government really to face this issue because of the altered circumstances and for no other reason.

We have heard a lot about Mussolini and Hitler, and men who do not turn left or right when they should do, and the policy of having dictators or of ambling along in the old Government fashion, but to me it does seem that we have an example in this country of quiet efficiency. We have an example in this country in the Uganda Railway. You have an example of a combination of direct action, of fair-dealing, and always I have found a determination to face the issue at the right time and not vacillate and I would point out to those members of the Government who think that my colleagues and myself have been unfair in any way, that there are departments which do give rise to a great deal of annoyance because of delays. We know the circumstances, and coupled with that I should like also to state this, that you have the Railway Council, you have the Harbour Advisory Board, and I think, with the General Manager, that they are two very fine bodies. You hear very little about them and they do an excellent job in this country, and I also would pay a personal tribute to the General Manager. He and I often argue and do not see eye to eye, but in the end we do; and I would pay a tribute to him because there is never a point which arises, either in his capacity of General Manager of the railways or in his capacity of Chairman of East African Airways, when immediate decisions have to be given, when those decisions are sought those decisions are given without hesitation, and they are very often an example to the rest of the officials of this country. (Hear, hear.)

MR. TROUGHTON: Mr. President, there are one or two points only, I do not propose to attempt to say anything concerning the remarks of my hon. friend the Member for Nairobi South on the subject of labour, but I should like to associate myself most warmly with what my hon. friend the General Manager

[Mr. Troughton] said this morning on the subject of wages.

As I see it, this is one of the most serious problems which we will have to face during the next few years. We have on the one side the Railway Administration requiring very large numbers of labour, not only in connexion with ordinary maintenance but in connexion with such major works as the realignments between here and Nakuru; we will have even larger quantities of labour required by the military authorities, by the groundnut scheme and by agricultural development generally; and the danger that I see—and I think it is a supreme headache for the Labour Department and for all concerned—is to ensure that the shortage of supply in relation to demand does not put up wages, that wages are not allowed to rise to an unwarranted extent. As my hon. friend the General Manager pointed out, there are only three ways really in which wages could rise: one—putting them in reverse—inflation; two, redistribution; and, three, increased national wealth, and I think that we must be firmly on guard against wages being allowed to increase from the inflation which the expenditure of this money, public and private, will naturally bring in its train.

The 1939 rates may or may not, in the opinion of the hon. Member for Mombasa, have been exorbitant, but I have had something to do with the railway as a member of Railway Advisory Council during the past few years, and I can say this, that if the hon. General Manager had been responsible to a board of directors, with a body of shareholders quite different from the railway users, his fellow directors, or his directors if he was not himself managing director, would have driven him—if he had not gone himself—to the Price Controller and I am quite certain that the Price Controller would have allowed him a substantial increase in his rates. What is more, the users of the commercial railway would have swallowed it without a murmur, just as they did the petrol!

One of the causes for railway rates being able to remain the same, despite the increase in the costs of most things,

has been the exceedingly successful conversion operations under which two extremely onerous old loans were dealt with. In each case these loans, in so far as they were not covered by sinking fund investments, have been converted at modest rates of interest, and a very large annual outgoing saved thereby. In theory the Government converted these loans, because the railway has never been able to borrow anything, but actually all the work was done by my hon. friend the General Manager in consultation with the Crown Agents, and I think the method in which these loans have been handled is a signal tribute to my hon. friend. (Hear, hear.)

That brings me to the final point which I have the temerity to make as chairman of the Railway Council when it normally meets in Kenya, and that is, that this will be the last occasion on which my hon. friend the General Manager will introduce the railway estimates into this Council. Under the new set-up it is no secret that it is the intention that he should become Member for Transport on the High Commission and have the job of keeping a fatherly eye—a benign fatherly eye, not a Hitlerian fatherly eye—on the Tanganyika railways, and another General Manager will reign in his stead in the Central Assembly, and the railway estimates will not come before us, I have probably had more to do with my hon. friend than most members on the Government side. We have been associated on the Development Committee, we have been associated in a hundred and one different ways, and I should like to pay a great tribute to the ability and the courtesy which my hon. friend has always shown. It has been a real pleasure to deal with him, and I consider that his departure from this Council will represent a very serious loss, and not only when railway matters are under consideration. (Hear, hear.) (Applause.)

I support the motion.

MR. EYRE: Mr. President, I have one brief point to make, and that is I should just like to ask the hon. mover whether, having regard to the integral part which the railway must play in the economic picture of this colony, there is any danger, due to delay in the delivery of

[Mr. Edye] locomotives and rolling stock, of the railway being unable to meet likely demands that will be made up on during the next two years. It will be appreciated that this colony's production—would be seriously affected if such a position were to arise and might necessarily alter one's approach to the expenditure side of the budget and the estimates of revenue, and I would seek his assurance on that point.

Before sitting down, in view of what we have just heard from the hon. Financial Secretary, I think all members on this side of Council would like me to say how wholeheartedly we join in the words he has said about the hon. mover (applause), and to say that we regret very much indeed that, because of his transfer elsewhere, we shall not have the pleasure of seeing him in this Council. (Applause.)

MR. THORNLEY: Mr. President, I do not wish to go over the ground which was covered during the debate on the budget, but I think I must just say one word on the points made by the hon. Member for Nairobi South about what was said in that debate on the question of conscription.

I think there must be some misunderstanding, and that that is the reason for the disappointment which he has expressed just now. All that was said by Government spokesmen during the debate on this question of conscription was that conscription for private employment was not, and would not, become the policy of the Government. Now that the hon. Member for Nairobi South has made it clear that he never suggested or intended to suggest that that should be the policy, I cannot really see where the ground lies for his disappointment. In my speech—I have not got my notes with me—I thought I made it clear that, having said that conscription for private employment would not be the policy of the Government, thereafter the Government did go the whole way with hon. members opposite in desiring that the labour potential in this country should be organized to get the best possible service in the interest of all people in this country. That is the position.

I beg to support.

MR. MATHU: Mr. President, I rise to support his motion and to congratulate

the hon. mover on his excellent speech when he presented this motion. I have a few remarks I should like to make.

First, he did very ably put before Council the difficulties that the Railway Administration is experiencing in acquiring more rolling stock and new equipment. He did, however, say that there will be a certain amount of rolling stock forthcoming, and I should like to suggest, as I have done on another occasion in this Council when discussing the railway estimates, that we definitely require great improvement of the passenger coaches which are used by third class passengers. He knows as well as I do that at present there is tremendous overcrowding in these third class coaches, and by saying that I do not mean to say that I do not appreciate the difficulties that the Railway Administration has had in acquiring the necessary rolling stock, for more and better coaches. That I appreciate, but I think I should just point out that when occasion arises and there is more rolling stock available, that point should not be overlooked.

He says that the Railway Administration did cope with a tremendous amount of traffic of all descriptions during the war years, and I entirely agree with him that the Railway Administration did even more than quite a number of people expected, and it is to the credit of the Railway Administration that they came off so successfully.

Before leaving this question of rolling stock and equipment, coaches and so on, there are two points I should like to make. Firstly, that the Railway Administration, I think, has demonstrated at any rate to the African people one very important feature which I do not think is recognized by many, and that is their system of training the men they require for their jobs. I refer to the railway workshops where the railway have contributed tremendously to producing the technical men we need and I should like to say that that is a tremendous contribution which the railway has made towards this country.

Another point—it is a point of detail but I feel I should mention it—is that before the war we had railway maps, nicely framed and put in the compartments. That is not a feature now, at any

[Mr. Mathu] on I travel on the railway, but I think that particularly now when we want to attract tourists we should have these maps to help people who use those compartments for the first time and do not know the country. I myself know that at one time it was extremely helpful, so that tourists know which station they are at and which will be the next. It is a matter of detail, but I think it is a useful thing to have in the compartments as they used to be.

Another point of detail which has been brought to my notice and to that of my hon. colleague Mr. Ohanga (who is in a committee and cannot come) and with which I associate myself with him, is the tremendous need for feeding facilities for first and second class non-European passengers at Nakuru. As you know, the arrangements are that the passenger train reaches Nakuru at dinner time, and unless you have food with you, you cannot get a meal at Nakuru because the hotels at Nakuru are European-owned and the circumstances are that they do not accept non-Europeans to feed there. The railway has provided feeding facilities at other places, like Lumbwa, and possibly they might be able to consider that when the time comes.

The final point is in regard to labour and wages. The Railway Administration is a big employer of labour in these territories, and it is important for me to suggest that, while I entirely agree with the hon. mover that wages should increase in proportion with the increase of output and hard work, I should like to suggest that you cannot rule out this one factor which comes into the question of wages and all labour organizations in the world, and that is financial inducements. You cannot definitely rule it out. Labour will be attracted to where the wages are attractive and, other things remaining constant, remain to work under those conditions. I agree with him definitely that hard work is essential, and even when he referred to my speech in this Council when we were discussing the report of the Development Committee, I definitely admitted even at the time that, in order to raise the national income of this country, it was essential for all the inhabitants of this land to work as hard as they possibly could. There can be no

other way of doing it, and there is no nation or country in the world that has ever achieved anything by sitting down and talking and expecting everything to be lovely, and to come as rain from heaven, and I should be the last person to suggest that there is any other short cut to progress and development than through hard work by all concerned. But at the same time, the conditions of labour and the conditions of work and employment should be such that they will not militate against efficiency, and the hard work of the people who take part in it.

The other aspect of it which I should like to mention now specifically in connection with the Railway Administration is that I am sure the hon. General Manager is aware that the Railway African Staff Union, even before the appointment of the Salaries Commission, made very strong representations to the management that their salary scales and all the conditions connected with their work should be improved. I know that the General Manager has said that the East African Salaries Commission is conducting investigations into the salaries paid to public servants, including those employed by the Kenya and Uganda Railways and Harbours, and provision has had to be made for possible consequences of the acceptance of recommendations made by the Commission, and all the rest of it. That will have to be the answer, for the time being at any rate, to the Railway African Staff Union, that they will have to wait until the recommendations of the Salaries Commission are produced, and my sincere hope is that they will not be disappointed and that they will find that their salary position is improved thereby.

The financial aspect of the problem which I want to touch on and then all down is the question of labour organization. I should be the last person to say that you can have a strong and efficient labour force without it being properly organized. We cannot be an exception, because all over the world labour is organized and it has to be organized, but even in accepting that principle it is very important to bear one aspect in mind in which we differ in our methods of organizing labour. The principle I do not think I have any quarrel with, but it is the question of methods. What

[Mr. Mathu] methods you going to adopt to organize labour? If, as some people have suggested, it is the way of conscription, then definitely the African will not look at it. If it is the way of even bringing pressure to bear, either by legislation or by other means, to get African labour for private employment under conditions that are not attractive to labour, there again I would put spokes in the wheel, and say that what we want is to have a reorganization of labour by the Labour Department, labour exchanges and so on, on a voluntary basis, allowing the people freedom of choice as to the industry they want to go to, or the employers they want to go to. We shall not quarrel with that system, but we would oppose any suggestion that African labour should be organized in such a way that they have to serve under conditions which are unattractive and which do not ameliorate their way of living. I will illustrate what I mean and then sit down.

I attended a meeting of the local native council in the Rift Valley Province, and there was on the agenda the question of labour. One African member, I may say, who has never been to school, said to the president of the Council: "I know why we do not readily come out to work, and one reason is that I have two or three head of cattle, I have a small garden, I have my chickens and so on, and when I go out to work I leave those things unattended or with an irresponsible person to look after them. My wage is Sh. 10 a month or so, and if I dress in the way my employers require me by removing the dress I have and using European clothes, I find I am worse off than when I was in my own native land unit. And by the time I get back I find my cattle have died because they were not attended to, my sheep also may have died or got lost, and even my whole economic position is worse than when I was at home".

That is an aspect of the problem that should not be lost sight of, and that was a very impressive analysis of the situation. If we could remove that and say there is some sort of social security for those labourers when they go out, you would find a tremendous improvement in the situation. As it is, we have not got it, and all will agree that the

African worker has nothing that can be called social security. That is why they say they will stick to their piece of land and live stock rather than go out to work and lose their land or stock.

With those remarks I support the motion.

DR. RANA: Mr. President, it was not my intention to say anything, but seeing that practically every member on this side has had a say and, in order to show the hon. member that there is no discourtesy either on my part or my colleagues, I have got up to say a few words.

First of all, I wholeheartedly support the motion before Council, and I associate myself with every word spoken by the hon. Member for Mombasa as far as the ability and excellent work of the hon. General Manager and his department during the war is concerned and after the war for this country and for all the races. I have no intention of wasting time as far as details are concerned, because that would take too much time and, moreover, knowing the shortage of material and staff and equipment I do not think it would be worth while. The second point is that I am very sorry we shall be losing the hon. General Manager next year because he is going to a higher sphere where his services will be very valuable, and I associate my name with the compliments paid him.

In all the debates which have taken place I wholeheartedly support the hon. Member for Mombasa regarding the separation of the railways and harbours. Living on the coast as I have done for so many years, I agree there is a feeling among all sections of Mombasa population that the time has come when the railway and the port authorities should be separated. I do not think it is because the headquarters and other departments are situated in Nairobi, but the people who have to do with the port and harbour are there in many cases, and people experienced and interested in the work of shipping are not like the railway authority.

With those words I support the motion.

SIR R. E. ROBINS: Mr. President, I am very touched by the tributes which have been paid in this Council to me and my

[Sir R. E. Robins] staff, and I shall have something more perhaps to say on that in a minute or two, but I very much welcome the hon. Member for Mombasa in his association of my staff in those tributes. As it is the last time I shall present the railway budget in this Council, I myself think I am justified in paying a public tribute to the loyalty and help I have had from the whole of my staff of all races. Without that loyalty and help nothing could be done. It does not matter how able, how experienced, a general manager is, the most he can do is to lead the team. If the team will not play, it does not matter what the general manager does. I have had during the long period I have been in East Africa—first as an ordinary head of a department and afterwards as general manager—unqualified loyalty and help, and I think this is an appropriate occasion for me to say so. (Applause.)

I will now deal with some of the questions raised by hon. members. First of all, in regard to the points raised by the hon. Member for Mombasa, particularly the question of the railway raising its own loans.

It is a fact that the great difficulty in the past in regard to the railway raising its own loans is that the railway has never been the owner of the railway. The railway has been owned by the Governments of Kenya and Uganda in that they own the land on which the railway stands, and they could, I do not suggest they would, by a stroke of the pen destroy the utility of the railway by taking over the essential basis on which the track of the railway rests. Therefore, all my negotiations regarding the question of raising loans on our own assets and performances we have been able to put up during the past few years, have been frustrated solely because of the fact that those people who are prepared to lend us money and are quite satisfied with the Administration, have always been apprehensive because of this land question. We have had this question investigated but the solution, even with the best will in the world, is not easy.

In the settled areas and certain other areas, there is no very great difficulty and no very great objection on the part of Kenya Government to concede the

land to the High Commissioner, but there are difficulties concerning native areas, for steps have been taken to render them inviolate. It is there that the difficulty has existed. Whether these difficulties could be overcome or not, it is a fact that if we amalgamate the railways as proposed under Paper 210, the difficulties up to a certain extent disappear because the methods of raising loans will be quite different, for we can raise a loan on the revenue of the High Commission. In all probability it will be much easier for the Railway Administration to raise its own loans, not that I think any real difficulty has arisen by reason of the fact that the Governments of Kenya and Uganda have had to guarantee these loans, except in so far as the estimates of the colony and protectorate are concerned it does look as if the public debt is inflated. I do not know whether that has been a real practical difficulty, but I myself would like to see loans raised from the Railway Administration itself.

Now, to deal with the very pertinent question by the hon. member when I took a little credit, in regard to the maintenance of the railway rates. It was quite pertinent for him to say that it might well be that the rates in 1939 were too high. I think that is a legitimate question to ask, but I have no hesitation in answering it. Before I went to Tanganyika in 1935, I conducted an examination into the rate scales applicable in Kenya and compared with them most of the rate scales applicable in Africa generally and certain parts of the continent of Australia. It was a fact that, in spite of the large railway system in South Africa and in Australia, that we did maintain a rate scale which was, if anything, less than the South African rates. That examination is still available, but I am quite sure the hon. member will accept my statement, so I do not think it can be claimed that the rates in 1939 were too high and easy to maintain up to 1947 and that that was the real reason why we were able to maintain them.

This again, is a tribute to my staff, but I do not discount the volume of traffic, which is an important thing, although, as hon. members are aware, no overbids were charged the military during the war

[Sir R. E. Robins] period. The real reason why we were able to maintain the rates is the method of operation and conduct of our business, which is mainly, as I say, a matter for my staff. That is the real reason why we were able to make a notable contribution to the stabilization of prices in East Africa.

On the question of mechanization, it is true that while I was in England this question was raised, and I believe a very full answer was given. The hon. member will forgive me if I am not able to answer. In detail because I have not had an opportunity of looking into it. I am myself absolutely keen on mechanization. I believe it is the solution in East Africa, and I do not think we need be afraid of it for the reasons that I developed earlier to-day. I do think it will cause, perhaps, a temporary dislocation, but I do think we have got to make the maximum use of mechanical plant. It is not quite right to say that none of the contracts were let to people without mechanical construction appliances, because one very important part of the work in the neighbourhood of Gilgil is being done by the Construction Company, and is being done by mechanical means and mechanical methods.

Mrs. Nicou: On a point of explanation, I was referring to the Nairobi-Uplands section. I did not refer to mechanical appliances on the Gilgil section. I can assure the hon. member that his deputy told us in his answer that none of the contractors on the Nairobi-Uplands section had mechanical appliances. I am sorry to interrupt!

Sir R. E. Robins: I accept the point of explanation. I was under the impression that the hon. member was criticizing the Administration for not having engaged any contractors with mechanical appliances. It is true that on the Nairobi-Uplands—at least I believe without reference to the papers—section no contracts were let to people with mechanical appliances, and the real reason was that there were no tenders from people able to do it within a reasonable period of time, and for other reasons I mentioned this morning time is a very important factor. On the other hand, I can assure the hon. member that we are fully alive to the necessity of

mechanization, though I do not agree with him altogether that we can entirely ignore the financial consideration. I think I am right in saying that the nearest tenders for mechanical appliances versus manual labour showed a difference of £70,000-£80,000, which is a very considerable sum of money to place as a burden on the present generation. I do not say that money must be the sole criterion, but it must be taken into consideration. I am afraid I cannot go very much further into this particular question except to mention this. A good deal of the labour employed on the realignment does not come from Kenya, and therefore if it were not used by the Railway Administration it is very doubtful whether it would be available for other labour purposes in Kenya. I believe the Labour Commissioner did tell my deputy that that type of man at present employed on railway construction is not the type of man who would normally take labour on farms.

The hon. member said that if it were possible for the groundnut people to get mechanical appliances, there was no reason why the Railway Administration or Government should not be able to. That is not quite correct because, as I mentioned in my opening speech, for reasons that are fully justified the groundnut scheme has a great deal of preference in these matters, and the scheme was able to obtain a certain amount of equipment from places which are not normally accessible to the Railway Administration or to Government. It must also be remembered that this type of equipment is mainly American made, and the question of dollar exchange comes into the picture to a very large extent, and while it might well be justified to sacrifice a little dollar exchange for groundnuts it might not be regarded as so important so far as the railway is concerned.

On the question of increased storage at Mombasa. In spite of the criticisms by the hon. Member for Mombasa and the hon. Member Dr. Rana on the very poor way in which I have managed to run this port, the fact is that I am fully alive to the situation. First of all, we must not get too confused over transit storage and warehousing. They are two very distinct functions, and there is a great tendency at the port to use very expensive transit

[Sir R. E. Robins] storage for warehousing. Be that as it may, I am as equally convinced as the hon. member is (in spite of the fact that I live in Nairobi I am well aware of what is going on in Mombasa), I am quite convinced that the storage at Mombasa requires to be increased, and I have got that matter in hand, and although I will not go into details, the loan schedule the other day contains a large sum of money for increased storage capacity for transit or warehouses in the port of Mombasa. It is not altogether as easy as all that, even when we have got the money. First of all, there is the difficulty about materials and so on. Another is the difference of opinion between the port authorities and the shipping companies as to whether we have single transit sheds or double storied. The Americans hold to the single transit shed—I seem to know a lot about a port for a railway man!—as being by far the quickest method of working a port and ship; in many British ports they hold the contrary view, that it should be double. But a decision on that will not hold up the question of providing extra storage at Mombasa.

Now I come to the very important question of the divorcement of the ports of East Africa from the Railway Administrations which was so heartily advocated by the hon. Member for Mombasa and supported by the hon. Member Dr. Rana. With the greatest respect, I really honestly think they do not know what they would let themselves in for. It would be inimical to the interests of this country, but I must give a little background before I start, otherwise they will say: "Here is a professional railway man talking about something he does not know." In my youth I spent quite a bit of time at British ports; one a railway owned port and one a non-railway owned port. I studied the position there, and had something to do with the work at both ports.

Why I say that you do not know what a serious question you are raising is this. First of all, do you realize the amount of capital that has got to be raised if you are going to divorce the port from the Railway Administration? I should like to make this point quite clear, that all hon. members know—and as I shall speak about in a minute—by the end of

this year I shall cease to be General Manager of this Administration. I say that so that it will not be thought that I have any personal interest in this question at all, because presumably in my new post I shall still have something to do with general policy in regard to administration of the ports. So I am not an interested party in this particular case.

Let me mention one or two things. First of all, the Railway Administration has had to make quite a large sum available to the port of Mombasa in respect of past losses in working. That question would have had to be raised, and if the port were divorced it would be only reasonable for the railway users to ask for these amounts to be refunded, and you could not ask the Railway Administration to forego a large sum of money—something like £300,000 or £400,000—if you were going to divorce the port.

The next point is that on an average there are in the port 400 or 500 wagons every day, belonging to the Railway Administration which are used in the port. If you have a separate port—and the port I had experience of was the Port of London—you have to have your own rolling stock and your own locomotives, and about 15 or 20 engines and 400 or 500 railway wagons are required daily for port use, which entails a tremendous lot of capital, and it also means quite a bit of expenditure in regard to staff. Not only have you got to have your own chief engineer, but you have got to have your own chief mechanical engineer. You cannot call on the railways to do that. The present position is that you have a very highly experienced civil engineer who is available for advice on port questions; you have a highly skilled chief mechanical engineer who is available for advice on mechanical questions at the port, and so on. All these people you would have to employ for port work, and you would have to find funds to pay for pensions and so on, and unless you paid something equivalent to the amount paid to the chief engineer of the railway or the chief mechanical engineer, you would get very indifferent staff and gradually the port would go down and down and down.

Let us look at the record. What is wrong with the port of Mombasa? It is true that a recommendation was made in

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 1925 for the formation of a Port Trust. That was very fully examined and debated by a subsequent committee; it was examined and debated in this Council by the late Sir Christian Felling, who demonstrated that it was cheaper to the people of this country and they would get more efficiency by combining the port with the Railway Administration. Looking back to 1925, since when we have been a port authority, can anyone make any serious criticism of the working of the port of Mombasa? Can any ship owner make any criticism of the working of the port of Mombasa? He cannot. In fact, the other day a tribute was paid to it by a perfectly independent person whose interest would not have been to praise Mombasa but to praise the port of Cape Town, and what did he say in public?—it was reported in the Press—That the port of Mombasa was more efficient than the port of Cape Town and that it is one of the best ports in the world, although it is a railway owned port. Nobody has ever suggested that the port of Cape Town was inefficient, no one has suggested that the port of Durban was inefficient, although they are railway owned, and I certainly do not think that the record from 1925 to the present day justifies any serious consideration of the division of the port of Mombasa from the Railway Administration.

Another argument made is that the port is managed from Nairobi. I think that is a most unjust and unfair criticism to make, and my hon. friend knows perfectly well that it is an unjust and improper criticism to make. He knows perfectly well that as soon as I assumed the administration of this railway in 1942, one of the very first steps I took was to decentralize from Nairobi, and we were very fortunate—and I take a little credit to myself for it—in finding an excellent Port Manager to whom I could willingly, and did willingly, entrust the management of the port. I am sure my hon. friend will agree with me that the interference with the port of Mombasa from Nairobi, either from me or from my staff, has been the absolute minimum, and what interference there has been has been welcomed not only by the Port Manager, but by the Harbour Advisory Board, in the way in which I

have been able to offer them assistance and advice on certain higher administrative problems in regard to which possibly the people at the port had not had the wide and long experience that I myself have had.

Therefore I beg the people of this country to be very careful, about what they do, and let me emphasize once more that I have no personal interest in it whatsoever because at the end of this year I shall no longer be responsible for the actual operation of the port.

Turning to the question raised by the hon. Member for Nyanza, he wanted a reply as to whether in fact the delay in the delivery of rolling stock would prejudice generally the production of this country. I sincerely hope it will not. I see no reason for believing that that will be so, because this budget has been framed on the assumption that we will meet all demands. I do not want any misapprehension to exist over this, because of course I cannot be a prophet, and from time to time it is inevitable, in view of what I said in my opening speech, that difficulties will arise. It is quite impossible to avoid these difficulties, but I am convinced myself that these difficulties will only be temporary, and I would ask for the consideration of users of the railway when such difficulties do arise, for their consideration and their co-operation. As I mentioned also in my opening speech, I feel quite sure that, if I can rely on loyalty and co-operation from all users of the Railway and Harbour Administration's services, and tolerance when difficulties do arise, and so on and so forth, I see no reason to fear that we shall not be able somehow or other adequately to help in the production of this country, and I should deprecate that there should be any bar to production for fear that the Railway Administration will not be able to handle it.

I now turn to the points raised by the hon. Member Mr. Mathu in regard to third class travel. I know he appreciates my difficulties, and I know that he knows that I am well aware of the conditions of third class travel, and I am also sure he knows that I have done and am doing everything I possibly can to ameliorate that position. He probably also knows that, in fact, one or two of the new third

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 class coaches have arrived in this country. In regard to improvements in third class rolling stock, the most that I can say is that if we can get sufficient stock we can stop this appalling overcrowding, which I deprecate just as much as he does. But there are limits to the other improvements which you can incorporate in third class rolling stock, but the new rolling stock coming out now has got several improvements in it. It has got increased lavatory accommodation and special arrangements in regard to drinking water, and so on, small improvements which I got incorporated while I was in England. But in order first of all to get rolling stock to-day you cannot ask for frills. If you do, you go to the bottom of the queue, nobody would take any interest in you, because the one great difficulty in England is the shortage of draughtsmen, and if you want something out of the ordinary nobody takes any interest.

There is still another factor, and a most important factor, in this connexion. I believe myself that the present requirements in regard to African travel—and I am talking now about the majority of Africans—for now and for the next ten years or so, is that it should be cheap. The only way in which we can make travel cheap is to have coaches as simple as possible. It does not mean that you must overcrowd, as I have said before we want to get rid of overcrowding, but you must not put a lot of frills on because they cost money, and as soon as you spend capital in that connexion you have to reconsider the question of fares. I believe that would be detrimental to the interests of the great majority of Africans. We have got other schemes in the back of our mind, or on foot, when the time arises and we get additional rolling stock, to meet the legitimate aspirations of those Africans, and Indians for that matter, who at present travel third and who want to travel in a little more comfort in the higher class section. We have got schemes in mind—in train in fact—for that, and I do not want to worry Council at the present moment by going into details, but it will be taken care of.

On the question of railway maps, as the hon. member Mr. Mathu said, it is a matter of detail. I should very much

myself like to see the old maps back again. The difficulty—I am speaking from memory—is this, that actually the old maps were printed in England and, if I remember rightly, the block was destroyed during the air raids on London, and therefore the maps are not available. As soon as they are available we will do something about putting them in the coaches.

Then the hon. member went on to speak about labour and wages. I do not want to go into a great deal of detail on that. I quite agree that having an inducement does play its part, but it does not play the whole part, for reasons I have mentioned so many times in this Council. There are many factors in connexion with labour and wages, and I do not think that any single one of them is the sole cure, but as the hon. member knows, the Administration has taken steps, or did take steps a year or so ago, to have this whole question investigated by a team of scientists, whose report I await. But so far as wages are concerned I do feel that the Railway Administration is in a difficult position. The hon. member says raise the wages and financial inducement, and yet I am being accused in other directions that the Railway Administration pays far too much. There has been correspondence in the Press and there has been criticism from various quarters, and therefore, as one hon. member on the other side of Council said a day or two ago, I feel I must be somewhere about right because I am criticized on both sides! The fact is—and I think the hon. member will agree with me—that, generally speaking, the railway service is attractive and therefore I think we must be giving a reasonable inducement.

For reasons I gave in my opening speech, I feel that, with the co-operation of the worker, as well as the management, he can still go further ahead and get higher wages, but it all depends on the work of the people of this country. While I am speaking about that there is one small point I should like to make, because I have heard it so frequently said that the thing to do is to increase the supervision. Now I agree, and the hon. Economic and Commercial Adviser made a very good case in relating the case of which he had personal experience, but that experience is limited and supervision can be carried far too far.

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The cure in this country is not increased supervision—in my opinion, for this reason. As I mentioned earlier this morning, there is one cake, and there is a slice of cake which goes to labour, and if you are going to make the slice which goes to supervision much bigger, it means that the slice which goes to the worker is going to be much less. Therefore there is a happy mean on this question of supervision, if in fact you are going to have effective supervision.

During the time I was in England I went to some of the very big works, and there the supervision in a big establishment was one man to about 500—one general foreman for 500 men. We have a much closer system of supervision here. We must not increase the supervision too much. If we do, then in fact we cannot get the wages up. Therefore we have to inculc and inculcate into the worker the need for an honest day's work, without too much supervision, and if we can do that then we are getting nearer to this question of being able to pay better wages. I apologize for taking up the time of Council on this wage question, but it is one of the most important and vital questions in this country.

One other point while I am still dealing with wages. I am not quite sure that we have found the solution of these difficulties as between the management and the employee. I do not think myself that the tribunal is the right answer. I think the right answer is to take the problem, industry by industry, and try to get the employer and the worker together. I do not believe you can issue a document which will solve the thing on a national basis. The requirements of different industries are quite different. Neither do I believe that legislation will make people good employers or good workers. The only thing to do is to bring both sides of industry together and hammer out somehow or other an acceptable code and basis of wages.

In regard to the African staff and the submission of their claims to the Salaries Commission, the hon. member anticipated my answer by saying that it is a matter which was *sub judice*. I can do nothing about it until I get the report of the Commission. But I think he probably did not know, or may not have

been informed, but I should like to mention it; that I did not wait until the Salaries Commission came along to review the salary scales of Africans on a salary basis. As members know, there is a Railway African Staff Union which for some time past I have recognized as being a negotiating body on behalf of the Africans, and they put up to me some two years ago that the salary scales were designed at a time when there were very few Africans with any education who were able to do anything more than ordinary manual labour, and so on. They maintained that there was not enough incentive or opportunity for promotion. I then, in conjunction—and this is important—in conjunction with the Union itself, round a table, devised new salary scales, which did give most of the Africans an increase, although it did diminish increments. It enabled them to go very much further up the scale. That was acceptable to the Africans at the time. I do not say that they did not want something more; of course they did, but they did realize that it was a very good step forward, and that has been in existence for the last two and a half years, so that in fact we did do something. The next step must remain in the hands of the Salaries Commission.

I am afraid it is true that this is the last time that I shall appear in this Council to present a railway budget. I believe it is the intention of the powers that be that I should be translated—I think it is the correct word—to the East African "House of Lords" as an earl spokesman. It is with some sadness that I sever my connexion with this Council as General Manager of this railway, and it is with some sadness that I leave this Council. I have had, I think everyone would agree, an extremely difficult time since I have been back in this country, but I have had a very happy time. One always feels, especially when one is getting on, a little bit apprehensive when you sever an old connexion and start afresh, but it is a fact that I firmly believe myself that the constitutional changes which will arise from Paper 210 will in the end be of the greatest advantage to East Africa—not only to Kenya but to the whole of East Africa, and for many years I have always regarded myself as an East African. It is a fact that much depends upon the way in which

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The individual officers of the High Commission carry out their job. I feel myself that I have a tremendous task on hand. If I do it well, I believe that I shall have laid an excellent foundation for my successors of great advantage to East Africa. If I do it badly, then I believe I shall set back the constitutional advance of this country for 20 odd years. I believe that goes for all my other colleagues in that Commission Service. Therefore I regard it as a very considerable obligation placed upon me in that connexion.

I am overwhelmed by the tributes which have been paid to me, but I am particularly touched by one tribute which the hon. Financial Secretary paid. I do not remember his words—I was rather too taken aback when he said it—but it was something like this: that he paid a tribute to the extent that not only was I concerned with purely railway and harbour matters, but that there were other matters that came before the deliberations of this Council in which I had been able to be of some assistance. That has been my aim for the last 22 years. I feel that it is not enough to be General Manager. A General Manager must take a much wider interest than the purely technical one of the railway and the port. (Applause.) He must take an interest in the country as a whole, and I have honestly tried during the 22 years I have been in East Africa to take an interest in what is going on and to offer my services freely, to help in any direction that the Government felt they could use me. I hope that such efforts as I have made have done something to contribute to the success of these African territories.

Sir, as it is the last time that I shall speak on a railway budget, may I say, thank you most sincerely, and hon. members of this Council, for their considerable help and the very helpful way in which they have listened to me, not only to-day but on previous occasions when I have spoken in this Council. (Applause.)

The question was put and carried.

ADJOURNMENT

Council rose at 3.55 p.m. and adjourned until 10 a.m. on Thursday, 2nd December, 1947.

Tuesday, 2nd December, 1947

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 2nd December, 1947.

The President (Hon. W. K. Home) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 28th November, 1947, were confirmed.

EMPLOYMENT OF SERVANTS (AMENDMENT) BILL

NATIVE REGISTRATION (AMENDMENT) BILL

REGISTRATION OF PERSONS BILL

DOMESTIC EMPLOYMENT (CERTIFICATE OF REGISTRATION) BILL

SELECT COMMITTEE REPORT

MR. HOBSON: Mr. President, I beg to move: That the select committee report on the Employment of Servants (Amendment) Bill, the Native Registration (Amendment) Bill, the Registration of Persons Bill, and the Domestic Employment (Certificate of Registration) Bill be adopted.

If hon. members will consult the fresh copies of the bills which were laid before them last Friday I think it will assist them materially in following me when I deal with this matter *serialim*. Members will notice that in certain places these new bills have been underlined, and the purpose of that is to indicate where there has been the introduction of new matter. Where there is merely re-drafting of old matter there should not be any underlining. It has not been easy to keep to that principle all the time, but I think on the whole it will assist hon. members in following them. Of course, deletions do not appear in these new copies of the bills, and I shall have to deal with those as I proceed.

The first bill referred to in our report is the Employment of Servants (Amendment) Bill, and if hon. members will turn to sub-clause (4) of the new section 18, in clause 3 of the bill they will notice that a comma has been inserted after the word "discharge." That comma ought to have been underlined and it

[Mr. Hobson] The bill was not, but the point there is that without the comma it would read as though the section would only apply if the servant was discharged within 48 hours of his engagement. That, of course, was not the intention, and as the bill reads now, if a servant is discharged, his employer must within 48 hours of his discharge forward to the Labour Commissioner an employment return postcard.

The next sub-clause which is suggested should be amended is sub-clause (7), and the whole of that clause has been underlined, but the amendments have been in only two particulars. There is now the word "endorsement" in line four of that clause, and we suggest that that should be replaced by the words "entry in, alteration to or erasure from." What might have been placed on the certificate might well not have been an endorsement, and these new words do fall into line with other similar legislation.

The other matter is a deletion. The bill contains the words, as it stands now, after "any portion thereof" in the last line but one, "or on any identity card issued under the provisions of the Registration of Persons Ordinance, 1947." Of course, those words ought to be in the Registration of Persons Bill and not in this bill at all, and they have been deleted.

Those are the only two amendments which the committee has suggested with regard to that bill.

I now turn to the Registration of Persons Bill, and the first amendment suggested is the deletion of the proviso to clause 1, which reads: "Provided that the Governor may, by notice in the Gazette, exempt any area or areas from the operation of this Ordinance." The committee felt that it was really persons who should be exempted and not areas, and also that the proper place for that exemption was with the other provisions which are contained in the proviso to clause 2. So the committee suggest that a proviso (c) be added to those provisos, which should read as follows: "Such persons or class of persons in such area or areas in the Colony as the Governor may, from time to time, by notice in the Gazette, exempt." I think that the use of the words "person or

class of persons" will show that it is not intended to exempt individuals but to exempt a class of persons residing in a particular area.

As regards clause 2 itself, the question has been raised in certain quarters that as the bill passed in its second reading, paragraph (b) of clause 2 reads: "Such class of persons as the Governor in Council may from time to time prescribe," which gave the Governor in Council power to exclude certain classes of males, notwithstanding the provisions of (a), "All male persons who have attained or who are of the apparent age of sixteen years." I think, as the committee suggests, that the bill should be amended in this respect and the words "such other persons as the Governor in Council may from time to time prescribe" make it quite clear what the position is; that is, that it is intended to permit the inclusion of certain other classes of persons—that is to say females, or, for instance, male persons under the age of 16. I think my hon. friend the Chief Native Commissioner explained that when he moved the second reading of the bill.

With regard to paragraph (ii) of the proviso—"any persons duly accredited to the Colony by or under the authority of any Government who the Governor in Council may approve"—that previously read: "any persons duly accredited to the Colony by or under the authority of His Majesty's or any other Government." The words "any Government," of course, do cover all governments, and the really important fresh matter there is the words "who the Governor in Council may approve." That brings it into line, or it is intended to bring it into line, with the Governor in Council's powers under the Customs Tariff Ordinance, by which consuls exempted by the Governor are exempted from payment of customs duties. I should like to point out that there are certain consuls in the Colony who are very much permanent residents here, but who represent certain Governments, and it may well be a matter for consideration as to whether they should be exempted from the provisions of the bill.

With regard to clause 3, the definition of "identity card" has merely been drafted in a better and more concise form. The next important amendment

[Mr. Hobson] suggested is in clause 4 which formerly read: "The Governor in Council shall appoint an officer to be Principal Registrar for the purposes of this Ordinance." The committee felt that it is really the Governor who should make that appointment, and Executive Council should not be asked to advise on that matter, so the committee has recommended the deletion of the words, "in Council" and the clause should now read: "The Governor shall by notice in the Gazette appoint an officer to be Principal Registrar for the purposes of this Ordinance."

Then we come to clause 5, which is an extremely important clause, and there have been a number of changes suggested there. The most important one is the insertion, as regards the particulars in the register, of the words "Registration Number." They were not there before, and I submit that they are very important. With regard to (f), that read: "Nationality and race or tribe." The committee recommends that "nationality" be altered to "national status," which would give the registrar the opportunity of discovering whether the person was British by birth or British by naturalization. While I am dealing with this particular paragraph, it has been pointed out to me by the hon. Liall for the Coast that a difficulty may arise as regards this paragraph, in that a person may register himself and may give his own particulars as belonging to one nation, or to one race, whereas in truth and in fact he belongs to another, and you may have difficulties arising, for instance, if he wished to vote as belonging to that other nationality at the elections to elect members to this Council.

Those fears which have been mentioned by my hon. friend the Liall for the Coast are not altogether, in my opinion, unfounded, because although this bill nowhere says that particulars either in the register or in the identity card are conclusive, it may well be argued that they are prima facie evidence, and the registration officer, performing his duties under the provisions of the Legislative Council Ordinance of the Registrar may find himself faced with the argument that it is at least prima facie evidence, and accordingly I would make

a suggestion, which I shall ask the hon. Deputy Chief Secretary to move as an amendment to this committee's report, that the word "declared" be inserted before "national status." It would then read "declared national status," and I think it would make it quite clear that it was the person himself who had declared that to be his national status and that it was not the responsibility of the Principal Registrar or his officers. I may say that I have consulted my hon. and learned friend the Attorney General on this point and he agrees with me on it, and I have asked my hon. friend the Deputy Chief Secretary to move an amendment at the appropriate time.

Paragraph (g) of that clause formerly read "permanent address." It now reads "place of residence and postal address, if any." The real point here is that a person might very well live in one place and have a post office box in another, and it is very necessary that both those addresses should be known to the registrar.

There is a new sub-clause 2, which was not there before, which reads: "Any officer in the service of the Government, duly authorized by the Governor in writing in that behalf, may, in the exercise of his official duties, inspect such register and make extracts therefrom." That, I think, explains itself, but there is one matter I should like to mention, at his stage and it is this. The hon. Member for Uasin Gishu, who was a very valued member of this committee, has at all times been extremely anxious that Government should ensure that the tax-collecting authorities should be forced to use the register when they are collecting taxes. I had to explain that one could not place in this particular bill a clause to that effect, because of clause in the Royal Instructions which lays it down that you may not have in a bill on one subject anything dealing with another subject, and the subject of this bill, of course, is registration.

But I should like to say now that I have the authority of my hon. friend the Financial Secretary to announce that he places the utmost importance on the linking up of this bill with tax-collecting legislation in this Colony, and that he proposes at the earliest opportunity to see that legislation is passed bringing that about, and I should like to say this

[Mr. Hobson] also, that my hon. friends the Financial Secretary and the Commissioner for Inland Revenue, have been really the chief instigators of this legislation, so that I think the fears expressed by my hon. friend the Member for Uasin Gishu are ill-founded.

Clause 6 in the bill as it stands reads as follows: "Upon the coming into force of this Ordinance the Principal Registrar shall cause to be recorded in the register such particulars in respect of natives to whom this Ordinance applies as are contained in the registers maintained under the provisions of the Native Registration Ordinance and as are required under the provisions of this Ordinance." The committee felt that that was purely a matter for administrative arrangement. The records are there and they will, of course, most certainly be used, but there is no purpose in leaving a clause like that in the bill, and the Africans in question who happen to be registered under the Native Registration Ordinance will most certainly have to appear in any case to register themselves for the purpose of placing their fingerprints in the register. So no useful purpose is served by leaving that clause in and we recommend that it should be deleted. There are certain small amendments which have been underlined in the new clause 6 and I think they all explain themselves. They are very simple.

I will now turn to clause 8. That is substituted for clause 9 in the original bill because there has been a re-numbering owing to the deletion of clause 6. Sub-clause (1) is merely a redraft in that the reference to a person signing if he elects to do so, have been deleted, as provision will be made for that in the actual form of identity card. Sub-clause (2) is really a redraft, but there is an important matter to be noted in the proviso in that the words "the registration officer" appear. The words formerly were "the Principal Registrar." It is suggested also that the following words should be inserted after the word "photograph": "of such size and type and taken within such time as may be prescribed." As the bill now stands it merely mentions it essential, but the committee thought it essential that there should be power to prescribe the size and type of the photograph, and

also that the photograph should have been taken within a reasonable time of the person producing it to the registration officer. Otherwise it might bear no relation whatever to the person's appearance at that time.

Sub-clause (3) is an extremely important one. It provides that upon the expiration of ten years from the date of issue, where a photograph is on an identity card, that card will have to be replaced, because obviously after ten years, had elapsed a photograph, might bear no resemblance to the holder of the card. It further provides that in such case, 30 days before the card ceases to be valid, or rather not later than 30 days before it ceases to be valid, the holder shall attend upon the registration officer for the purpose again of being registered under the provisions of this ordinance, and shall surrender his old card. In such case he would have again to go through the entire procedure laid down in clause 6 (1), giving his fingerprints and matters of that kind, and his particulars, and placing himself once more on the register. The next sub-clause provides for the issue to him of a new identity card and for the provisions of sub-clause (2) of this clause to apply. That, of course, is consequential upon the new sub-clause (3). Sub-clause (5) has merely deleted certain redundant words. Sub-clause (6) is merely a redraft, and sub-clause (7) is a new clause and, of course, very necessary.

I turn to clause 9, which was old clause 10, or is clause 10 in the bill as it stands, and it is a very important clause indeed because it is the clause which gives power to certain authorities to call for the production of identity cards at certain times. Before I deal with the other matters in the clause I should like to mention this, that since the report was laid on the table I have again considered this clause, together with the hon. Attorney General, and our attention was particularly directed to the words in line one of sub-clause (1) of clause 9, "a registered person," and by the similar words in sub-clause (4), and by the words "any person" in sub-clause (2). The difficulty about the word "registered" in sub-clause (1) is that, if a person goes to an authority to ask for, say, a motor car licence, and that authority turns to him and says "May I see your identity card," and the person says "I

[Mr. Hobson] am not a registered person," the authority is really powerless to do anything about it, because, although clause 11 does lay down that "where any person claims that the provisions of this ordinance do not apply to him the burden of proving the same shall lie upon such person," it does not really lie upon this particular case. So the suggestion that I make, and I have asked the hon. Deputy Chief Secretary to move an amendment to that effect at the appropriate time, is that the first line in sub-clause (1) should read "Any authority to whom a person required to be registered under the provisions of this ordinance," and then it reads on, "applies for the grant of any licence." That will then put the onus on the person applying to prove that the ordinance does not apply to him under clause 11, and that, of course, applies to sub-clause (4) as well.

Sub-clause (2) was a little too severe because it reads "may require any person," so that, if the inspecting officer or person authorized, went up to a child of ten and said: "Where is your identity card?" and the child could not provide it, because, of course, he might not be allowed to have one or might not have the right to have one, he would commit an offence at once. So the suggestion is that the words "to whom this ordinance applies" be inserted after the word "person." It will then read: "Any person authorized by the Principal Registrar in writing in that behalf, may require any person to whom this ordinance applies to produce his identity card. . . . I would say this, that it is the intention to make the persons authorized under sub-clause (2) special policemen so that any recalcitrant or unco-operative person who really gave trouble about either producing his card or discussing the matter, would find himself in the position of dealing with a special policeman, and offences under this ordinance are cognizable to the police.

One other important matter is, that as the bill now stands, sub-clause (2) reads: "Any person authorized for the purpose by the Principal Registrar may, during such times and within such areas as the Governor in Council may by notice in the Gazette appoint." The committee thinks that these checks ought to be left to the discretion of the Principal Registrar, and if the committee's report on

that point is adopted it will be an administrative matter. Sub-clause (3) is, of course, very important, but I do not think any comment is necessary; it does protect the persons called upon to produce their identity cards.

Clause 10 in the report is new and should, of course, have been in the bill as originally drafted. Clause 11 I have already referred to in dealing with clause 9 (2). I would add that, in my opinion, that clause will apply both where a person was being tried for an alleged offence against the provisions of the ordinance in a court, or if an inspector was asking a person for his card or to account for the non-production of his card in a public place.

With regard to clause 12, hon. members will see that in the last two lines the words "prima facie evidence of the facts stated therein" have been underlined. As it reads now it is "admissible in evidence." The point about that is that on reconsidering the matter I was in some doubt as to whether the words "admissible in evidence" would not make such a certificate issued by the registrar unchallengeable, which was not the intention when the bill was drafted. The intention is that it will leave a certificate of that sort open to dispute and to be disproved by other and better evidence.

The next amendment is to paragraph (h) of clause 13, which now reads: "obtains or attempts to obtain a new identity card from a registration officer without first reporting to such officer the loss, mutilation or destruction of any identity card which may previously have been issued to him or the fact that he has previously been registered" (this is the old clause 12). A glance at paragraph (j) will show that those words are redundant, because (j) reads: "falsely states that he has not been previously registered or commits any act or makes any false representation or omission which is the object of deceiving a registration officer." That, of course, does cover the situation envisaged by the words the committee recommends should be deleted.

Then the committee recommend the insertion of a new paragraph (k), which reads: "having under the provisions of sub-section (2) of section 5 of this ordinance, inspected the register and

(Mr. Hobson) made extracts therefrom, publishes or communicates to any person, otherwise than in the ordinary course of his employment, any information so acquired." That has been inserted to cover the case of a civil servant who, under the powers contained in the new sub-clause (2) of clause 5, inspects the register and takes extracts therefrom. If he wrongfully publishes or communicates information so obtained he will be guilty of an offence.

Arising out of that, another matter has occurred to me which I think will require some amendment to the committee's report. That is, that as we suggest the bill should read: "provided that nothing in paragraphs (f) and (k) of this sub-section contained shall apply to any publication or communication of information made (i) for the purpose of any proceedings before a competent court; or (ii) to any person duly authorized under the provisions of sub-section (2) of section 5 of this ordinance," having regard to the words both in (f) and (k) "otherwise than in the ordinary course of such employment," they are clearly quite redundant, because a person working in the office of the Principal Registrar would quite clearly in the course of his employment have to allow a person who is authorized under clause 5 (2) to inspect the register, so they are redundant so far as paragraph (f) is concerned, and all the more so under (k), because a person can hardly communicate information to himself. The amendment I suggest is merely the deletion of paragraph (2) of the proviso and the amendment of the rest of the proviso so that it will apply to paragraphs (f), (k) and (l) of the suggested sub-clause. I have also consulted the hon. Attorney General on this matter and he agrees with it, and I will ask the hon. Deputy Chief Secretary to move the amendment at the appropriate time.

Regarding sub-clause (2), the words underlined, "where no other penalty is specifically provided," are merely a question of drafting. The committee also thought that there should be power to impose a heavier penalty under the provisions of this sub-clause and have added, therefore, the words "or to both such fine and such imprisonment"; and there are some very important words

added at the foot of the sub-clause—"in any case where a person has been convicted of an offence involving failure to register under the provisions of this ordinance, the court may, in addition to or in substitution for any sentence which it may impose upon such person, under the provisions of this section, order such person to register himself within such period as it may specify." The purpose of that is that a magistrate can say that, not only should there be punishment, but that a person must go and register, otherwise he will be committing a contempt of court.

Regarding sub-clause (3) of clause 13, the insertion of the words "or of any rules made thereunder" is a matter of drafting, to make the clause more clear. As the bill now stands offences may be tried by any magistrate, and the committee feel they should be tried by a magistrate of the first or second class. The only thing I would mention about sub-clause (4) is, that it was formerly a proviso. It should be a substantive clause; and that has been recommended, and the words "alleged to have been committed" have been inserted because otherwise it was rather prejudging the matter.

The next clause I will deal with is clause 15 in the bill as it is now; it is the old clause 14. The changes there have been as follows. As regards (d), it read: "providing for the procedure to be followed where any registered person has changed his name or changes his address or leaves the country or dies." That has been changed to read: "providing for the procedure to be followed where any registered person has changed his name or changes his place of residence or postal address or leaves the Colony or dies." As being more appropriate, having regard to the terms of paragraph (f) of clause 5 (1). Paragraph (f) has been deleted, as the duties of registration officers will be detailed by the principal registrar as a matter of office routine, and he should not be tied down by having the duties of his subordinates prescribed.

The suggested sub-clause (2) is extremely important, because the committee felt that where, under the provisions of paragraph (a), the Governor in Council made rules which added to the particulars which have to be sup-

[Mr. Hobson] plied for insertion in the register, this Council should have an opportunity of approving them, and the sub-clause reads: "any rule made under the provisions of paragraph (a) of sub-section (1) of this section, which requires particulars in addition to those referred to in paragraphs (a) to (h) of sub-section (1) of section 5 of this ordinance to be entered in the register, shall be laid as soon as conveniently may be before the Legislative Council; and, if a resolution is passed within 40 days of its being so laid praying that any such rule be annulled, such rule shall thenceforth be void."

The only other point to mention in regard to this bill is that the proviso to clause 16 has been redrafted in better form with rather better effect.

I will turn to the Domestic Employment (Certificate of Registration) Bill.

As there have been a number of amendments and deletions, not so much amendment of the matter as of the form, the committee thought it right to substitute a fresh measure, although, as hon. members will see, there is not really a great deal of substantial amendment to the bill as originally drafted.

In clause 3 the definition "registrars" has been redrafted, but there have been two deletions from that clause. Those are the definitions of "employer" and of "servant," as in the bill in its present form and, indeed, in the old form, they are unnecessary. So the committee suggest they be deleted.

Clause 4 in the bill as it stands reads: "The Governor in Council shall appoint an officer to be Principal Registrar under this ordinance," and the committee suggest that the words "Governor in Council" be deleted, bringing the bill into line with the Registration of Persons Bill in that respect. Clause 3 is merely a rearrangement of the old clause 5, and in clause 6 there has been no change, except that the second proviso—"Provided further that such registered servant may at any time after the coming into force of this ordinance by his voluntary application and surrender of his pocket register obtain the cancellation of such registration"—has now been embodied in sub-clause (3) of clause 7. Regarding sub-clause (4) of clause 7, certain redundant words have now been

deleted. Clause 8 is for the most part merely a redraft of the old matter, with the insertion of the important words "upon the cancellation coming to the knowledge of such servant," which affects the provision as to delivery to the Principal Registrar of the servant's certificate where his registration has been cancelled. There is a proviso at the moment to clause 8, which reads: "Provided that failure to serve such notification upon a registered servant shall not preclude the Principal Registrar or any other person authorized by him from demanding the return of the certificate by the registered servant." Clearly, if the registrar can demand the return of the certificate he can also notify the servant of cancellation, so that the proviso is redundant.

The only changes made in clause 10 are that for the words "a certificate" we suggest the word "document," because we wish to avoid confusion between that sort of certificate and the certificate which will be held by the servant who obtains one under the provisions of the ordinance, and the words "a registrar" have been added in line 2, while in the last two lines a similar amendment has been made to that in the similar clause in the Registration of Persons Bill. Certain matters which the registrar could certify, if the bill stands as it is now, should be deleted, we suggest, because they do not apply. For instance, he can certify that no returns have been made—no returns are required under the bill.

Regarding clause 11, as the bill now stands paragraphs (b) reads: "falsely makes, counterfeits or issues, or causes falsely to be made, counterfeited or issued, any part of a certificate." Of course, that is forgery, and can be dealt with under the Penal Code, and we think it more appropriate to deal with it there because of the comparatively light penalty which can be awarded under the provisions of the penalty clause in this bill. A similar remark applies to (c), which really amounts to forgery or the uttering of a forgery. As regards the other paragraphs of the clause, (e) has been amended to bring in the pocket register, and (f) has been amended to fit in with the other provisions of the suggested new bill.

Regarding clause 12, the words "or of any rules made thereunder" are merely a drafting addition, and (2) was formerly a

[Mr. Hobson] proviso and is now substantive. Regarding clause 13, we suggest the deletion of paragraph (b) which now reads: "the duties of the principal registrar and registrars", for the reason I mentioned earlier when dealing with the same matter under the Registration of Persons Bill. Regarding paragraph (c), that takes the place of (e) in the bill as it now stands, and I would submit it is neater and less cumbersome. We insert a new paragraph (e): "prescribing the manner in which finger and thumb impressions may be recorded by the principal registrar". We thought it wise that this should be prescribed, because it is now quite clear from the provisions of the bill itself that finger and thumb impressions are going to be recorded or may be called for by the principal registrar on the certificate or elsewhere. The only mention previously was in clause 10 which dealt with the registrar's certificate for use in the court. I think the insertion of this new paragraph will make the matter clearer.

That brings me to the end of the amendments which the committee has suggested. I would say this, that the committee were unanimous in their report, except on one matter, and in regard to that the hon. Member, Mr. Cocker, has filed a minority report which is, of course, before hon. members.

MR. WYN HARRIS seconded.

MR. VASEY: Mr. President, rising on a point of order, I should like to have your ruling on this. In regard to the third bill, although the select committee has not departed from the principle proposed in the original bill, it has in fact recommended what is a new bill and not an amendment to a bill already submitted to this Council. I should like to have your ruling as to whether it is competent that the mere moving of acceptance of this report should avoid the first, second and third readings of what is a new bill.

MR. HOBSON: May I reply to that point of order? I do not know whether I am entitled to. What I should like to say on that point is that this has been done on a number of occasions before, I am instructed, and it was done only the other day in connexion with one of the Liquor Bills—I think it was the Liquor (Amendment) Bill—and I have been informed by the hon. Attorney General that it has been

done before in this Council and there has been no change of any principle.

MR. COOKE: On a point of order, this is a matter for your ruling, Sir, and not for any dictum of the acting Attorney General.

THE PRESIDENT: I am relying on the advice of the hon. Attorney General in the same way as any other President previously has been able to take the advice of the Attorney General in such a matter.

MR. COOKE: Do we understand that Standing Rule and Order 64 does not apply—at least 14 days prior to the date on which it is proposed to read a bill for the first time . . . etc., etc.

THE PRESIDENT: That, of course, applies especially to the circulation of a new bill, but the point I am now asked is a different one, which is whether an amendment in select committee can go so far as to reconstruct and redraft the whole bill. In principle, if you make 50 amendments to a bill, as you can do in select committee, it comes back to the Council and, though each amendment may be detailed and so forth, there is probably more reconstruction than there has been in the particular bill which we are now considering. As it has been the practice of Council before to do this, I see no reason now why I should alter it. It would be a case no doubt, probably at a later stage, to amend the rules to say definitely that it should not be done, if you want it done that way.

MR. COOKE: The amendment would be a direct negative, and this is a direct negative of the first bill.

THE PRESIDENT: I have not got the first bill before me for one thing, and if you press me to give further information I shall have to take time, but I cannot get away from the proposition which is now before the Council—which could, of course, be negatived—and that is that the select committee's report be adopted. I shall therefore, as you press the matter so strongly, reserve a ruling on the point, but in the meantime I shall state the proposition and leave it to debate if you wish.

MR. THORNLEY: May I ask, Sir, that before that it is put to the Council I may have an opportunity of recommending to the Council the amendments mentioned by my hon. friend the Solicitor General?

THE PRESIDENT: Will that not come at a later stage? You should do that in the course of the debate on the proposition that the report be adopted. I think that is the correct procedure. I am not putting the question. I am only stating the proposition which I have to put in order to clarify the matter.

MR. THORNLEY: Mr. President, for the reasons given by the hon. Solicitor General earlier this morning, I beg to move: That the Registration of Persons Bill, as amended by the select committee's report, be further amended by deleting paragraph (d) of sub-clause (1) of clause 5 thereof and substituting therefor the following: "(d) Declared national status and race or tribe."

THE PRESIDENT: Are you proposing an amendment to the report? I do not think that is correct at this stage. I have some hesitation about it, but as far as I can see the only thing to do to get these amendments in is to commit the bill to a committee of the whole Council.

MR. VASEY: On a point of order, surely if an amendment is moved now and is seconded, the entire debate would be limited very nearly to the process of the amendment.

MR. COOKE: On a point of order, surely we could take these bills in the order in which they appear on the order paper? The Employment of Serrania (Amendment) Bill should come first. You cannot take them all together.

THE PRESIDENT: The report is on the four bills, all of which are inter-linked and have been committed together by the Council, and the Council cannot very well go back on its decision now, when it has committed the four bills at one time to the select committee. It must take the report as a whole.

MR. RAWKINS: On a point of explanation, I think the hon. member merely wishes to give the Council information that at the appropriate stage he proposes to move these amendments, so that hon. members may have them in mind during the debate.

THE PRESIDENT: That is a different matter, but I asked specifically whether he was moving an amendment to the report, which I thought could not be done. Giving information is another thing.

MR. COOKE: I submit it would be confusion worse confounded unless we take these bills bill by bill. It will be an impossible position.

THE PRESIDENT: You may move a motion to that effect and, if seconded, no doubt if it is the wish of Council to do it that way I shall have to comply, but I cannot understand the position myself. I cannot understand why, when four bills are sent, as being cognate matters, to the select committee and are returned with the report, and the proposition now is that the report be adopted, we should enter into any other discussion other than the motion before the Council. If members have reason to doubt whether this report should be adopted, well they may vote accordingly when the time comes, but the motion is open to debate.

MR. VASEY: In the circumstances I should like to speak to this particular motion and, if I may, I should first of all like to deal with number four and the position that has arisen. You have ruled that, in view of the previous practice of this Council, the adoption of this report means in fact full agreement with the bill. I am a little doubtful as to whether it is a good thing that a select committee shall be given power not to amend the bill but to introduce a new bill, which might, quite unwittingly, introduce a point of principle and in fact Council would, under the rules of this Council, be unable to debate that point of principle. It is because of that, particularly, that whatever has been the practice of this Council in the past, I suggest we should turn our attention to consider whether we are adopting a very wise procedure.

The bill on which I should like to talk mainly is, of course, the Registration Bill. The hon. Deputy Chief Secretary has given us notice of amendment to clause 5 (d) and, with your permission, in order to save myself speaking on the amendment, I should like to say that I support and welcome that amendment in order to avoid what I think might be a very very difficult position in the future with regard to elections, not only on the question of the European register but, as my hon. friend the Solicitor General knows, also on the question of Arab elections. Because of that I would welcome his amendment.

[Mr. Vasey]

There was one remark of the hon. mover's which I feel must be not challenged, but perhaps corrected to some extent. I think I am right in saying that the hon. member did not occupy the position which he now occupies when this bill that is now before us was first set in motion by a committee which inquired into the whole position with regard to registration. There was then a considerable amount of feeling among Africans against the document which was known as the *Kipande*, and as a result of the feelings of Government on that matter, and I think the feelings of a large number of European employers as well, the Government set up a committee of inquiry to go into the whole system of registration. It had not at that stage any thing to do with taxation, and I would not like it to go on record that this Registration Bill now before us was instigated on the grounds of taxation at all. I was a member of the committee which toured the country and made its report on this matter, having taken evidence.

The whole of the report of that committee on which this bill was drafted was based on the fact that some system of registration was necessary in the interests of law and order, and it was only at a very very late stage in that evidence, indeed in the debate in this Legislative Council, that the question of tax evasion came into the picture at all. It is not primarily a measure directed at the collection of revenue, or the prevention of tax evasion, and I should like that to go on record now. It was a measure which it was felt by the committee was essential both to get away from the *Kipande*, which had become so loathed by so many Africans, and at the same time institute a system whereby proof of identity could be available under all circumstances. That that is so may be verified by reading the first committee's report in full. It was felt that the *Kipande* had in it a wages column; it confuses the question of registration and the question of employment, and as a result of that committee's report we have the breaking up of the bills now before us.

Now we cannot at this stage debate principle, but we are entitled to debate detail, and one of the objections that we found wherever one took evidence in the

Colony to the document known as the *Kipande* was, if I may say so, the misuse of the powers of the police and their ability to demand the production of that document. It was because of that that the committee went into very great detail and recommended, I think I am correct in saying, that the Governor in Council should have the power to exempt areas, or shall we say, to impose on certain areas at certain times within his discretion the right to demand its production. What has happened in the amendments now suggested? It says in clause 5 (2) that any person authorized by the Principal Registrar in writing in that behalf may require any person—and then a suggested amendment—to whom this ordinance applies to produce his identity card. That has departed from the principle that the Governor in Council shall have the right to order the production of the certificate in certain areas, or even from certain groups of persons. The right to compel production is handed back into the hands of one administrative officer, and at this point I wish to warn members on the benches opposite of what I am sure the hon. Chief Native Commissioner has realized already, that this power must be used very sparingly indeed.

If it becomes a habit of the Principal Registrar to issue this authority frequently, and if on any occasion except that of emergency, the police are going to be given power to demand the production of this identity card, then the whole object of this re-organization will be lost and this document will become as hated in its turn as the *Kipande* was in its turn. It is not for that that we toured and worked and made the report, not for the destruction by an alteration in detail at this time of the very objects that we had in mind. I was distressed to hear the hon. Solicitor General say that the people who are given this authority shall be given special police powers, because unless the Government is extremely careful in this matter it will rapidly again on this matter lose the confidence of the African as it did in the case of the *Kipande*, and it will I think again be charged with having broken faith. I am extremely distressed therefore, at the statement that is made in this amendment and by the suggestion that it should be handed by one administrative officer at any time to the police, should it be necessary, and not left, as I believe it should be in conformity with

[Mr. Vasey]

the original committee's report, in the hands of the Governor in Council, which body would, I suggest, be the best judges of the time when that power should be used and how often it should be applied.

Council adjourned at 11.13 a.m. and resumed at 11.48 a.m.

EMPLOYMENT OF SERVANTS (AMENDMENT) BILL

MR. FOSTER SUTTON: Mr. President, I understand that one hon. member on the other side of Council has taken exception to the form of the motion that is at present before the Council, and I have had an opportunity in the adjournment of speaking to you and to the hon. Solicitor General, and we all agree that the objection is a good one.

Therefore, with your leave and the leave of Council, I would move that the motion now before the Council be amended to read: "That the select committee report on the Employment of Servants (Amendment) Bill be adopted." Then the Solicitor General proposes to move, with your permission and the permission of Council, under suspension of Standing Orders, that he should be permitted to give notice and move a motion in respect of the other three. That, I think, will put the order paper right.

MR. TROUGHTON seconded.

MR. COOKE: Does the hon. Attorney General ask us to take the other three bills together, and not separately?

MR. FOSTER SUTTON: Separately, as separate motions.

THE PRESIDENT: I think that meets the point you raised this morning.

The question was put and carried.

STANDING RULES AND ORDERS SUSPENDED

MR. HOBSON moved: That Standing Rules and Orders be suspended for the purpose of giving notice to move the following motions—(i) That the select committee report on the Native Registration (Amendment) Bill be adopted; (ii) That the select committee report on the Registration of Persons Bill be adopted; (iii) That the select committee report on the Domestic Employment (Certificate of Registration) Bill be adopted.

MR. FOSTER SUTTON seconded.

The question was put and carried. Standing Rules and Orders were suspended, and notice of the motions duly given.

MR. COOKE: I thought we had an assurance from the hon. Attorney General that we would take these separately.

MR. FOSTER SUTTON: They are being taken separately.

THE PRESIDENT: You asked me to move that standing orders be suspended to enable me to move three separate motions. I take it that is the wish of Council.

The question was put and carried.

NATIVE REGISTRATION (AMENDMENT) BILL

MR. HOBSON: I beg to move that the select committee report on the Native Registration (Amendment) Bill be adopted.

MR. FOSTER SUTTON seconded.

MR. TROUGHTON: Mr. President, I understand that in the discussion this morning in this Council, when I was not able to be present, there was some controversy regarding the extent to which this bill was the result of pressure from the financial officers of the Government, and perhaps it will serve to clarify the position if I give as near as I can remember the history of this business.

In 1940 or thereabouts, early in the war, the hon. Commissioner of Inland Revenue and myself (I was then Deputy Financial Secretary) in the course of discussion came to the conclusion that a system of complete identification and registration for all races was of the very first importance for the purpose—and this was the sole purpose we had in mind at that time—of eliminating tax evasion. We put the proposition to the East African Governments—or rather my hon. friend the Commissioner of Inland Revenue did, because he was a servant of them all—and it was not possible at that time to secure inter-territorial agreement, and at that time also hon. members will recall that we were at a very acute stage of the campaign against the enemy, so the proposal was dropped for the time being. It was revived later.

[Mr. Troughton]

The exact circumstances of its being revived I cannot remember, but a sub-committee of the Labour Advisory Board under the chairmanship of the Acting Labour Commissioner (Mr. Hyde Clarke) was set up to consider the Registration Ordinance, and it appeared before that committee. The hon. member for Nairobi North, I remember distinctly, was a member, so was the hon. Member, Mr. Mathu; and I put forward at that meeting in as strong terms as possible the case for registration, on the ground of eliminating tax evasion, or reducing tax evasion. That committee in due course reported, and during the subsequent discussions in Government circles as to the action which should be taken, I myself, and my hon. friend the Commissioner for Inland Revenue, pressed in the strongest possible terms for this system of registration. Our main object in pressing for it was the elimination of tax evasion, and my hon. friend the Chief Native Commissioner had other strong and cogent reasons, and so had other officers of Government. But from every point of view, including tax evasion, this measure seemed to me, and still seems, to be imperatively necessary.

MR. FOSTER SUTTON: On a point of order, I am sorry to interrupt the hon. member, but may I ask, is this in order? Is not the motion before the Council that the select committee report be adopted?

MR. TROUGHTON: I depend on your ruling. Am I in order or not?

THE PRESIDENT: What is before the Council at this moment is that the select committee report on the Native Registration (Amendment) Bill be adopted. I should say that the subject on which you were addressing the Council would be more pertinent to the third bill, and I think that is what has been raised in your absence this morning. We were then faced with a motion taking all four bills together, and one member raised something on the third one.

MR. TROUGHTON: Well, Sir, on a point of order...

MR. VASEY: On a point of order, even at that stage will the hon. Financial Secretary be correct in taking cognizance of what should not have been said in that debate?

MR. FOSTER SUTTON: I submit that would be a second reading matter.

MR. TROUGHTON: If I may speak on my own point of order (laughter), if a point has been raised in the debate on a select committee report and has been deemed to be in order, surely another member of the Government side is in order in dealing with the point which has been allowed to be raised? (Laughter.)

THE PRESIDENT: On the particular motion, which has now been amended I think on all grounds it will be wiser for you to reserve your remarks until the motion which has yet to be moved about that particular bill, the Registration of Persons Bill.

MR. COOKE: On a point of order, may I suggest that this debate be adjourned until the Government side make up their minds on the matter? (Laughter.)

The question was put and carried.

REGISTRATION OF PERSONS BILL

MR. HOBSON: Mr. President, I beg to move that the select committee report on the Registration of Persons Bill be adopted.

MR. FOSTER SUTTON seconded.

MR. TROUGHTON: On a point of order, will the observations that I made on the previous motion, before I was ruled out of order, appear in Hansard, although they were out of order, because if so, there is no need to repeat them?

THE PRESIDENT: Yes.

MR. TROUGHTON: Then, if I may continue those observations from the stage where I was ruled out of order! (Laughter.)

The end of the history of this business was that when the report of the sub-committee of the Labour Advisory Board came to be considered by the Government, there was a certain amount of discussion among Government officers as to whether action should be taken on it, or whether the Government had so much legislation on its plate at the moment that action should be deferred. Various officers, including my hon. friend the Chief Native Commissioner, for his reasons, and I myself for the reason that I consider this is indispensably necessary for tax

[Mr. Troughton]

evasion, pressed most strongly that we should proceed with the legislation. That Sir, is the history in so far as the financial officers are concerned.

There is one point, and that is that in the Standing Finance Committee report on the Draft Estimates last year—I have not got the reference by me, but I think most hon. members will recall it—the Standing Finance Committee approved in principle the introduction of a system of registration for all races with a view to dealing with tax evasion, and that report, including the paragraph in question, was approved by this Council.

The only further points that I would make are, first of all, it is I think absolutely vital that the system of registration should be such that it can closely be tied up with tax collection in respect of all races; and finally, that I do not see how we can be justified in collecting taxes from the willing tax payers unless we make every effort to ensure that it is collected from all, and that people do not escape (hear, hear), and this Registration of Persons Bill represents one of the methods by which we can take steps to secure that it is collected as far as possible from all, and for that reason the bill and the select committee report have my strongest support.

MR. BOUWER: Mr. President, I must apologize to Council that I was not here when this debate started. I understand there has been some criticism of the select committee report. I hope you will not pull me up if I also go back into past history to a certain extent.

When this bill was first published, I thought that it was the worst bill I had ever seen, because it appeared to me that it was just one further bill in the stream of bureaucracy and a further regimentation which would be imposed on the common man. When I had time to consider the matter, I had to admit to myself that in principle the bill could be a very good one, but there was one very strong proviso. That proviso was, that the information obtained should be made the greatest possible use of. That was the background in which I approached my work on the committee, and I was determined not to support the bill in any way unless the extra money that it would cost, the extra regimentation it put on every-

one, would be fully justified, because I was not one of the persons going to ask for such a measure to be brought in as a sop to the natives. I believe a thing is either right or wrong. I believe this is right if full use is made of it; and therefore I am probably the nigger-in-the-woodpile, because I understand that the new clause has been severely criticized. I should like to make it stronger still.

MR. VASEY: On a point of order, am I correct in saying that no one has mentioned the clause in question?

THE PRESIDENT: I think the hon. member who had the possession of the floor was wrong in referring directly to the terms of the new bill instead of to the terms of the select committee report. It is a matter of form more than a matter of substance.

MR. VASEY: I rise on a point of order, and point out that the hon. member had stated that clause 5 (2) had been severely criticized, when no criticism has been made of that particular clause so far. The hon. member for the Coast may have intended it but has not done so yet.

MR. BOUWER: Mr. President, then my information is wrong, because I was told that when the scheme came in, that clause had been criticized. I accept the explanation, and trust that no one has criticized the clause, because it is an important part of the committee's report, and I sincerely trust that every member of Council will support it, at any rate that amendment to clause 5, because to repeat myself, and it is worth repeating, I believe the amendment to the bill as a whole is only justified provided Government make the fullest use of the information so obtained. I would ask for a categorical assurance from Government that they will lay on the table at an early time their proposals how to make use of the information which will be obtained if this bill becomes law. (Hear, hear.)

MR. COOKE: Mr. President, the hon. Financial Secretary has said that the object of this bill, or one of the objects, was in order to get rid of tax evasion. If that was the object, I think Government has been dishonest—(Mr. TROUGHTON: An object)—an object—because in the memorandum circulated when the bill was first published it says: "Memorandum of Objects and Reasons on the

[Mr. Cooke]. Registration of Persons scheme". There is no mention whatsoever in this of tax evasion or of the object of this bill being in order to overcome tax evasion. I am not accusing the hon. member of deliberately deceiving, but I may say, to quote Lord Macgully, that hon. members on the other side can only be defended against the charge of being knaves by arguments which make them out to be fools! Because if you intended that as part of the ordinance it should have been explained as being one of the objects of the bill.

I may say that I agree with the hon. member for Uasin Gishu, but the point at issue is not whether it is desirable to have this particular clause in the bill, but is it regular for this select committee to introduce a new principle into the bill? I contend, and I am quoting for convenience sake from this draft bill, if you will allow me, clause 5 (2): "Any officer in the service of the Government, duly authorized by the Governor, in writing, in that behalf, may, in the exercise of his official duties, inspect such register and make extracts therefrom." I do not say that that is not an extremely good clause, but to introduce into the bill a new principle, as it is, was entirely beyond the functions of the select committee, and this bill, for that reason, should go again to the country.

I strongly support the hon. Member for Nairobi South, who said he has a similar objection to the one I have now raised, that is to clause 9 (2), which puts into the hands of the principal registrar powers which this Council never envisaged. I accused Government on the other side of Council the other day—and when I say the Government I am alluding to that small Secretariat clique on the other side of Council, I am not alluding to the heads of departments who when they get up to give a reply usually give a straight, honest reply—I am alluding to that small Secretariat clique, and I say they have put into this bill something never intended by the people of this country, and therefore I say that this bill should, as amended by the select committee, be put up to the country as a whole before being passed by this Council.

MR. THORNLEY: Mr. President, I move, for the reasons given by the hon. Solicitor General this morning: that the bill as

amended by the select committee report be further amended (a) by deleting paragraph (d) of sub-clause (1) of clause 5 thereof and substituting therefor the following—“(d) Declared national status and race or tribe.”; (b) by deleting the first line of sub-clause (1) of clause 9 thereof and substituting therefor the following—“Any authority to whom a person, required to be registered under the provisions of this ordinance.”; (c) by deleting the word “registered” which occurs in the fourth and fifth lines of sub-clause (4) of clause 9 thereof and by inserting immediately after the word “person” which occurs in the fourth line of the said sub-clause the following commas and words, “to whom this Ordinance applies.”; (d) that sub-clause (1) of clause 13 be amended by deleting the proviso thereto and substituting therefor the following—“provided that nothing in paragraphs (f), (g) and (h) of this subsection contained shall apply to any publication or communication of information made for the purpose of any proceedings before any competent court.”.

MR. FOSTER SUTTON seconded.

MR. EDYE: Mr. President, I do not know whether I am in order or not in speaking?

THE PRESIDENT: Will you allow me to state the amendment before resuming the debate?

The amendment having been called from the chair.

MR. EDYE: Mr. President, speaking directly to the amendment, the hon. Solicitor General this morning did draw attention to the fact that in the second line of clause 9 (2) the words appeared “any person to whom this Ordinance applies”, but it is not the same in the amendment before us.

MR. THORNLEY: On a point of personal explanation, it is.

MR. EDYE: Would it be more convenient if I moved an amendment?

MR. THORNLEY: I believe the hon. Attorney General will produce one in those terms.

MR. VASEY: Mr. President, speaking to the amendment, I shall have great pleasure in supporting it. I did ask for consideration to be given to clause 9 (2)

[Mr. Vasey], on a very strong point, and I should like to say that unless Government is prepared to meet that point I propose to move that the report of the select committee be referred to committee of the whole Council.

MR. FOSTER SUTTON: To make confusion worse confounded, I have been asked to move an amendment to the select committee report, in addition to the one already mentioned, to cover the point just mentioned by the hon. Member for Nairobi North. As I understand the position, it was felt that clause 10 (2) as it now stands confers too wide a power on the principal registrar, and it is desired that those words should be inserted in clause 9 (2), and I beg to move: That the bill as amended by the select committee report be further amended by inserting immediately after the figure (2) in clause 9 the words “During such times and within such areas as the Governor in Council may, by notice in the *Gazette*, appoint”, by substituting the word “any” for “Any” in line 1, and by inserting between the words “person” and “to” in the second line the words and commas, “to whom this Ordinance applies.”.

MR. THORNLEY seconded.

MR. WYN HARRIS: Mr. President, speaking to the amendment, I can assure Council that as a member of the select committee I did not think there was an alteration of principle by the amendment in clause 9 (2). I personally for some of the years have fought for a reform in the registration system and it is not likely I should agree to something which puts us back exactly where we were before. If in fact we did, I would only say on my own behalf that I am sorry for it, but I believe the reinsertion of the words “at such times and in such areas as the Governor in Council may direct” will definitely indicate what we mean, that is, we want a periodical check in selected areas, and the select committee intended that and nothing more.

MR. MATHU: Mr. President, I rise to speak on the amendment proposed by the hon. Attorney General and to support that amendment. I personally served on the select committee which discussed the bill, and I know it was the intention definitely of the committee that powers for periodical checks on identity cards should be vested in the Governor in

Council and not in the principal registrar. I hope the amendment will be carried.

MR. TROUGHTON: Mr. President, I do not want to add to the confusion, but I should like to be quite sure of the meaning of this, and I think the Council should be sure. There is one point I am not clear about. Can a person who is collecting taxes, be it non-native poll tax or native poll tax or what tax, require the taxpayer to produce his identity certificate? I should like to be sure that is covered.

MR. FOSTER SUTTON: Mr. President, I find myself in some difficulty, because I have only just been asked to move this amendment. The hon. Solicitor General will correct me if I am wrong. This amendment is designed to take away the power which was in the original bill which it was suggested should be conferred on the Governor in Council, taking away the power enabling authorized persons to demand this document if and when they pleased. Under this amendment, it is to be during such times and in such areas that the Governor in Council may by notice in the *Gazette* appoint, which will confine any such authority to the area appointed by notice in the *Gazette* from time to time, which will enable periodical checks to be made. In this connection, the hon. Financial Secretary has mentioned it and in debate the hon. Member for the Coast chose to make one of his pleasant accusations against members on this side

—(MR. COOKE: Which you made against me last week, may I say?)—I happen to be chairman of the Labour Advisory Board, and during my chairmanship of that body this sub-committee was appointed to go into the whole question of that body the *kipande*, and we did not have in mind, or I personally never had in mind, this question of taxation. That was introduced by the hon. Financial Secretary which, if I may say so with respect to him, was to me a surprise, during the budget debate, last year I think it was. That was not in the minds of the Labour Advisory Board. Their attention was directed to registration in all its other aspects, but they never had in mind, and I believe I am right in saying the sub-committee had not the question of taxation. They may later have given their minds to it by reason of the evidence they received, but not originally.

The question of the amendment was put and carried.

Mr. HOBBSON: Before you—

Mr. VASEY: The original motion is not yet before Council.

THE PRESIDENT: I have to put the question on the later one first, the debate having concluded, but we were at the time in the course of debating the motion of the hon. Solicitor General.

Mr. VASEY: On a point of order, what I was trying to make clear was that surely Council is now discussing the amendment moved by the hon. Deputy Chief Secretary, whereas I thought the hon. Solicitor General—

THE PRESIDENT: I meant the hon. Deputy Chief Secretary.

Mr. THORNLEY: I have nothing to add to the remarks made by the hon. Solicitor General in moving the original motion.

The question of the first amendment was put and carried.

Mr. VASEY: Mr. President, if I may now speak to the original motion moved by the Solicitor General, I would say that, speaking earlier this morning in a motion somewhat similar which was not proceeded with by Government, I stated that I thought it would be a pity for Government to allow to go on record unchallenged the statement that the hon. Financial Secretary and the hon. Commissioner of Inland Revenue were the instigators of this bill. I therefore welcome very heartily the remarks made by the hon. Attorney General, and, as a member of the sub-committee which was appointed by this Labour Advisory Board, I can support strongly everything that he said.

At no time in the formation of that committee, and at no time during its preliminary investigations, and indeed only at the final stage, did the evidence of the hon. Financial Secretary raise the possibility of this being used as a deterrent to tax evasion in the minds of the committee. The reason why I raised that point was because I did not want to see hon. members on the other side of Council accused of dishonesty in this committee, and I feel that, unless the statement of the hon. Attorney General is given full publicity, it is likely that once again the Government will be accused by the African of having betrayed them. There is no doubt that the possibility of its being used as

a deterrent to tax evasion supports this bill, but I deny that it was ever the primary object to any degree and I should like that to be strongly recorded again.

—There is nothing else that one needs to say on this bill, except to hope that, having had a rather stormy passage this morning, it will be more efficient in its working than it has been in this morning's debating.

Mr. NICOL: Mr. President, I understood from the remarks of my hon. friend the Member for Nairobi North that the select committee report sought to alter a principle which had already been accepted and debated at the time of the second reading, and he made the plea that the bill should be withdrawn. (HON. MEMBERS: Hon. Member for the Coast.) The hon. Member for the Coast, was it? We have been so confused this morning that it is no wonder I have mistaken one for 'tother! If that is the case, then I do think that in the light of the experience this morning, when I was completely foxed as to what the bill is trying to do with the various amendments which have been floating round, I think that the best thing is for the bill to be withdrawn, republished as a new bill and debated after 14 days' publication. We have had experience of that being done before in the case of important bills, and I do feel it is only fair that in the light of the confusion that seems to be abroad to-day, the country as a whole should see the bill in its proper amended form, and I would commend this suggestion to my hon. friend the mover and ask him to withdraw it. There should be no hold up of business; it could be debated in a fortnight's time. I think it is absolutely essential that this matter should be thoroughly understood by the country, and the only possible way of doing that is to republish the bill with the amendments that have been proposed and accepted, and bring it before the Council at a later date.

Mr. FOSTER SUTTON: Mr. President, on the substantive motion, I should like to say this. I heard my hon. friend the Financial Secretary saying "Hear, hear," to the suggestion that the bill be withdrawn, but before that is insisted upon, surely it is necessary to consider what the bill is proposing to do? All that the bill does is to require everyone in this country to whom it applies to be registered. I have always maintained that, it was not a

[Mr. Foster-Sutton] taxation measure. It was never intended by the Labour Advisory Board to be one, and it was never in my mind that it was one; nor is it now. What it does is to require everybody to be registered. If you want to use it for other purposes, the proper thing to do is to amend your Income Tax Ordinance and give the persons administering that ordinance the power to demand the production of registration certificates. That leaves the matter open to debate in this Council and brings it down to the proper position.

But to go and confuse a registration measure with taxation is absurd. I have always maintained, and with the greatest respect to my hon. friend the Financial Secretary I am afraid I still maintain, that it has nothing whatever to do with the bill, and I am so sorry that the efforts of the sub-committee of the Labour Advisory Board, who put in a tremendous amount of work, are now being misinterpreted. As I say, it was never intended, and I am very sorry the whole matter has been introduced, willy nilly, into this debate. My hon. friend on my right (Mr. Troughton) is entirely responsible for that because he introduced it out of the blue in the budget debate last year, if he will forgive me for saying so.

SIR ALFRED VINCENT: Mr. President, I understood that the mover of, I think it was the original motion, made it quite clear that the hon. Financial Secretary and the hon. Commissioner of Inland Revenue did intend to introduce legislation to tie up tax collection with this Bill, and it has now been repeated by the hon. Attorney General. Therefore I see no necessity, with that point in mind, to have any adjournment of this bill. This bill is quite clear; it is for a definite purpose. As was evidenced in the report of the Standing Finance Committee last year, we considered that registration was absolutely essential. I forget the actual wording of it, but of course it implied the question of tax collection. I think we have a clear issue before us, and I am certain that when legislation is proposed to tie up tax collection with the facilities offered by the complete registration system, that could be debated very fully in this Council and I hope that it will be supported.

Mr. MATHIU: Mr. President, speaking on the substantive motion, I should like to say that I agree with the hon. Attorney General that the sub-committee of the Labour Advisory Board, of which I was a member, did have in mind that one of the objects of this bill would be tax collection. That I think is clear, and the hon. Member for Nairobi North has also put that point of view. I think the answer lies, as the hon. Attorney General says, in amending the Income Tax Ordinance and other ordinances relating to tax collection linking it up with the registration that we are now considering. As regards the point made by the hon. Member for Mombasa, I personally would oppose any delay in putting this legislation through. One point that I have been particularly insistent on through this, if you like to call it, native registration ordinance controversy, is that time is essential and that we must remove all the objections that the African people have lodged against this registration, and suggesting that we should delay this matter further will, I think, put the African community in a very awkward position, and I plead that this select committee report, as amended by this Council, be adopted.

Mr. WYN HARRIS: Mr. President, if I may for a moment go back to the beginnings of this bill, so far as native administration is concerned, I was acting Labour Commissioner when my attention was first of all called to the very serious dissatisfaction which, to put it mildly, the African felt with regard to the registration system, and from the memorandum which was written in the Labour Commissioner's office at that time, and which was considered by the Labour Advisory Board, arose the Labour Advisory Board sub-committee which went into registration. I am not denying for a moment that the hon. Financial Secretary and the hon. Commissioner of Inland Revenue may have considered universal identification necessary as a method of taxation, but as far as the Labour Sub-committee on the registration system was concerned I am quite certain that it was a question of good government, and I stressed very strongly when moving the second reading that this bill was in the interests of good government. I was asked what was good government, and I gave certain illustrations. I agree with the hon. Financial Secretary that the prevention of tax eva-

[Mr. Harris] "good government". We have been debating it for weeks in this Council, and it is perfectly clear that we intended to use this registration system for taxation because a decent taxation system is good government.

Having got that point clear, I should like to point out that there is no purpose in putting this bill back and re-publishing it. There is no new principle in it. The only point which has been raised is in regard to clause 5 (2)—"Any officer in the service of the Government, duly authorized by the Governor in writing in that behalf, may, in the exercise of his official duties, inspect such register and make extracts therefrom". I am completely at a loss to understand the position. If you are going to have a registration system and are going to keep it in complete secrecy so that nobody can use it, what use is it? Of course it must be made available to every officer of the Government. Now I am going to say something which may surprise the hon. Member for the Coast, and that is that "any officer of Government" includes the police. Of course, the police in looking for criminals have every right to the registers of this country. They have the right of access to the registers of Somerset House, and to suggest that they have no right of access to our registers, in my submission, is foolishness. (MR. COOKE: I said it was a new principle. I did not say we agreed with it or not.)

I have only one other point. If this bill is sent back the other bills must be sent back with it; otherwise it is a breach of faith to the African. I have always said that if we remove the objections to the registration system we are going to bring in universal registration at the same time. I therefore support the motion.

MR. HOBSON: Mr. President, there are only two points I wished to make, and the first has been dealt with by my hon. friend the Member for Nairobi South. The other point was the one which I was about to make when my hon. friend the Member for Nairobi North rose on a point of order, and it was this: that the deletion from the original bill of the words which gave the Governor in Council power to order these checks to be made was in my last draft report as sent round to members of the committee. It

may be that that was not noticed by hon. members, but I should like to make that quite clear.

That is all I wish to say.

The question was put and carried.

DOMESTIC EMPLOYMENT (CERTIFICATE OF REGISTRATION) BILL

MR. HOBSON: Mr. President, I beg to move: That the select committee report on the Domestic Employment (Certificate of Registration) Bill be adopted.

MR. THORNTON seconded.

MR. VASEY: Mr. President, not wishing to delay this Council and not wishing to force this particular bill back, I would at this particular stage repeat the protest that I made in the previous debate this morning, and that is that I do not consider it a wise procedure to introduce a new bill from a select committee report. A new bill may suddenly discover some point of principle, and I consider that a new bill should be laid before this Council for at least the requisite 14 days, in order that, should any new principle be disclosed therein, a full debate may be held. That is all I wish to say, as I understand that on the grounds of previous custom it has been ruled that this is in order. Therefore I have no further criticism to make on this point, but I would make strong representations to Government that this practice shall not continue.

MR. COOKE: I should like to associate myself with what has been said by my hon. friend the Member for Nairobi North, and to point out that it is contrary to Rule 64 of Standing Rules and Orders.

The question was put and carried.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned to a date and time to be notified to hon. members, which was subsequently appointed by the President to be 10 a.m. on Monday, 22nd December, 1947.

Monday, 22nd December, 1947

Council assembled in the Memorial Hall, Nairobi, on Monday, 22nd December, 1947.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the Council with prayer.

OBITUARY

HON. MRS. O. F. WATKINS, KIAMBU.

THE PRESIDENT: Honourable members, I have a somewhat sad duty to perform this morning. We meet after the last adjournment and find that we have suffered the loss of one of our members, the hon. Member for Kiambu. I feel sure that hon. members would desire that our respectful and deep sympathy for the deceased member's family should be communicated to them appropriately by the Clerk of the Council.

The loss to this Council and the public life of Kenya is no light one, for the late member—who was one of the best examples of English womanhood—devoted herself wholeheartedly to many good causes, made many excellent contributions to debate in this Council, and was a tireless worker in committee. Her departures from life has been dramatic in its suddenness, and this Council will feel that departure the more as she was its only lady member. Naturally, she tended to express the feminine point of view upon those special matters in which she was so interested, such as education, hospitals, and cruelty to animals, but that her contributions to the common stock of ideas on those matters was of great value is undeniable. She was, however, not limited in her outlook to a specifically feminist point of view. On all the major controversies of the day she brought to bear the deep feel of a spiritually-minded person, and a wide experience of everyday life, and those considerable intellectual gifts with which she was endowed and which will partly remain with us in her literary work and in the records of this Council.

Her efforts here were also marked with a keen and practical understanding of the interests of her constituents, on whose behalf she never spared herself, and though forthright in speech she was a kindly controversialist who took and

gave the cut and thrust of debate always according to the rules and left with those whom she might at any time be in disagreement not the least feeling of rancour.

An honest, fearless and sympathetic person has passed on, her life's journey unexpectedly ended—let us rise and stand for a few moments in reverent silence as a tribute to her memory.

As a tribute to the memory of Mrs. Watkins, Council rose and stood for a few moments in silence.

MINUTES

The minutes of the meeting of 2nd December, 1947, were confirmed.

PAPERS LAID

The following papers were laid on the table:

By MR. FOSTER SUTTON:

The Legislative Council Ordinance, 1935, Schedule II (Variation No. 3) Rules, 1947, select committee report on the Immigration (Control) Bill, and memorandum on the tourist traffic and Immigration (Control) Bill.

By MR. ROBAINS:

Return of land grants under the Crown Land Ordinance for April-September, 1947.

By MR. MORTIMER:

Report of Commissioner for Local Government for 1946.

ORAL ANSWERS TO QUESTIONS

No. 95—FOUNDATION STOCK SCHEME

MAJOR JOYCE:

In regard to the Foundation Stock Scheme, will Government state how many breeding cows or heifers have been supplied through this scheme to new and old settlers in the 12 months ending 31st December, 1947, and how many it expects to supply in 1948? Further, will Government give a brief review of the scheme to date and its intentions in regard to it in the future, including a statement on its financial implications?

MAJOR CAVENDISH-BENTINCK: In addition to giving the bare facts in answer to the question of the Member for Ukamba, I propose to give a brief statement of the origin and intentions of the

[Major Cavendish-Bentinck] Foundation Stock Scheme to enable a full understanding of the position.

In order to meet the requirements of European farmers for breeding stock, the Live Stock Control during the years 1944-46 and the first few months of 1947 purchased and sold to farmers a considerable number of Somalia heifers. In order not to undersell existing stock breeders, these heifers were disposed of at prices considerably in excess of their cost. The Live Stock Control made profits on these transactions amounting to £16,200. Of this sum £11,500 was used to start the Central Artificial Insemination Station at Kabete and the balance is held for purposes yet to be determined.

Towards the end of 1946 it was decided that a number of the balance of Somalia heifers which were taken over by the Meat Marketing Board from the Live Stock Control on the latter being wound up should be utilized to breed half-bred beasts as a foundation stock scheme for the benefit of tenants under the European Settlement Scheme. The stock retained for this purpose was handed over by the Meat Marketing Board to the European Settlement Board at the end of April, 1947, at a valuation which amounted to the cost of the beasts plus all expenses incurred in respect of them by Live Stock Control and the Meat Marketing Board. This sum amounted to £29,818 and the number of heifers handed over was 3,300.

The plan to distribute half-bred heifers to new settlers had to be modified owing to the demands of tenants already occupying farms for foundation stock and, as a result, the European Settlement Board decided to dispose of 1,000 native heifers guaranteed to calf to sperm from pure-bred bulls and to keep the remainder on the holding ground for breeding purposes. Up to 31st October, 1947, 139 in-calf heifers had been sold. It is difficult to forecast the sales likely to be effected during 1948, but it is probable that the remainder of the 1,000 native stock, together with approximately 100 half-bred heifers, will leave the holding ground.

Providing artificial insemination of this native stock proves satisfactory it will be the Board's policy to keep native stock on the holding ground and to con-

tinue to breed from them half-bred animals which are in great demand for new settlers.

Up to the 31st October last the total expenditure in respect of this foundation stock scheme as such was £79,818. Revenue derived from the sale of stock has, up to December 31st, amounted to £4,580. It can thus be said that the debit balance on that date was £25,238, as against which the Board holds assets, including the remaining live stock, conservatively valued at £37,700.

No. 99—MOMBASA MILK SUPPLIES

MR. NICOL:

Do Government appreciate that, due to the existing shortage of milk on Mombasa Island and that due to increased military requirements, it is not possible at the present time to reduce the cattle population of the island?

Will Government agree that such cattle are housed under crowded conditions and, if so, state what steps they are taking to alleviate the position?

Will Government also take all possible and immediate steps to see that the important matter of the prevention of unnecessary suffering to animals is rectified and thereby ensure the production of milk to the public under more wholesome and hygienic conditions?

MAJOR CAVENDISH-BENTINCK: Government considers that a reduction in the number of cattle on Mombasa Island is not incompatible with the increasing supplies of milk to meet growing demands. Present supplies of milk could be substantially increased were Mombasa dairymen prepared to enter into contracts with up-country suppliers and this, as far as it can be ascertained, Mombasa dairymen are not prepared to do, except during periods when local supplies are very short. The present deliveries of milk from Mariakani dairies to Mombasa amount to an average of 1,200 gallons daily, but there is considerable wastage of supplies from this source, due to the lack of effective pasteurization. As soon as delivery is made of the new equipment which has been ordered, a pasteurizing plant will be erected at Mariakani which will be

[Major Cavendish-Bentinck] capable of dealing with a maximum of 2,000 gallons a day and the Mombasa Municipal Board is planning to establish a depot to handle this milk on arrival.

Regarding the second part of the question, the Provincial Commissioner, Coast Province, has been asked to indicate areas on the mainland which might be made available for the Mombasa dairymen, and the Chief Zoologist will advise on the steps which will be necessary to make such areas suitable for cattle. If suitable areas can be found it should be possible to remove most of the dairies from Mombasa Island, irrespective of the progress made on major tsetse eradication scheme in the Mariakani-Mombasa-Kilifi area.

Finally, regarding the prevention of unnecessary suffering of animals, it is considered that much could be done by the Mombasa municipal authorities by enforcing rigidly the public health rules, and Government proposes to urge the municipal authorities to act in this matter. Members will also be aware that the report of the select committee of Legislative Council has been laid on the table and the steps taken by Government to implement its recommendations will be laid before this Council.

No. 100—MARIAKANI-MOMBASA TSETSE FLY RECLAMATION

MR. NICOL:

Will Government please state (a) when the plans drawn up for the reclamation from tsetse fly of the Mariakani-Mombasa area will be put into operation; and (b) when such reclamation can be expected to be completed?

MAJOR CAVENDISH-BENTINCK: The bush-clearing operations designed to link up from blocks of tsetse-free country, extending from Mariakani in the direction of Kilifi began during September of this year. These preliminary operations are in the nature of an experiment in order to obtain the information necessary for completing Government's plans for the major scheme for the elimination of tsetse fly from the triangular area, Mariakani-Mombasa-Kilifi.

At present, one European and 74 Africans are engaged on this work. A

labour force of 200 men is required, but owing to the difficulties existing at the coast, it has not yet been possible to recruit this number.

With regard to the second part of the question, it is probable that a period of years will be required to complete the reclamation of the Mariakani-Mombasa-Kilifi area, unless, as I hope, resulting from experiments and investigation which are at present being undertaken cheaper and quicker methods of bush clearing than those of hand labour are found to be effective and financially practicable.

MR. COOKE: Arising out of that answer, if the labour is unobtainable voluntarily will Government consider compulsory recruiting for work of national importance?

MAJOR CAVENDISH-BENTINCK: I am going into that question with the Provincial Commissioner, Coast Province.

SUSPENSION OF STANDING RULES AND ORDERS

MR. TROUGHTON moved: That Standing Rules and Orders be suspended to enable the 1947 Appropriation Bill, 1948, and the Customs Tariff (Amendment No. 2) Bill to be passed through all their stages without due notice.

MR. FOSTER SUTTON seconded.

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

1948 APPROPRIATION BILL

FIRST READING

On the motion of Mr. Troughton the 1948 Appropriation Bill was read a first time.

SECOND READING

MR. TROUGHTON: Mr. President, I beg to move: That the bill be read a second time.

The position is that the draft estimates for 1948 have been referred to a committee of this Council. That committee has not yet completed its deliberations, but will not do so until next month. It is necessary, however, in order that the public services may be maintained during next month before the report of that committee is received, to pass the Appropriation Bill. This bill, which is in the hands of hon. members, is based on the draft estimates as presented to Council,

[Mr. Troughton] and the intention is that once the estimates have received final approval this bill, or ordinance as I hope it will be, will be repeated and a further Appropriation Bill, based on the approved estimates, introduced into this Council.

MR. FOSTER SUTTON seconded.

The question was put and carried.

CUSTOMS TARIFF (AMENDMENT NO. 2) BILL

FIRST READING

On the motion of Mr. Troughton the Customs Tariff (Amendment No. 2) Bill was read a first time.

SECOND READING

MR. TROUGHTON: Mr. President, I beg to move: That the Customs Tariff (Amendment No. 2) Bill be read a second time.

The object of this bill is to give effect to a resolution passed in this Council on the 23rd November that goods imported by the Governor for his use should be exempt from customs duty. It is proposed during the committee stage to move a small amendment to enable the exemption to apply to goods purchased out of bond as well as direct importations by the Governor. That is in accordance with practice elsewhere and it, I think, in accordance with the wishes of hon. members. The bill under clause 3 will have retroactive effect from the 23rd November, the reason being that that was the date on which this Council, by motion, expressed its wishes in the matter.

MR. FOSTER SUTTON seconded.

The question was put and carried.

IN COMMITTEE

MR. TROUGHTON moved: That Council do resolve itself into committee of the whole Council to consider, clause by clause, the Appropriation Bill and the Customs Tariff (Amendment No. 2) Bill.

MR. FOSTER SUTTON seconded.

The question was put and carried. Council went into committee.

Customs Tariff (Amendment No. 2) Bill

Clause 3

MR. FOSTER SUTTON moved that clause 3 be amended by substituting the words

and commas "imported, or purchased out of bond, by" for the words "imported by" in the fourth line.

MR. COOKE: Does this mean all goods, or scheduled goods, any goods coming from outside Kenya, irrespective of liquor and that sort of thing?

MR. FOSTER SUTTON: It means any goods imported by His Excellency.

MR. COOKE: Such things as furniture?

MR. FOSTER SUTTON: Yes, anything.

The question of the amendment was put and carried.

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

Clause 3

MR. TROUGHTON: Speaking of clause 3, when I spoke on the second reading I said the date of 23rd November was fixed by reference to the resolution of this Council. That was wrong. The date of 23rd November was fixed because that was the date of the Governor's return from his absence in the United Kingdom on duty, and that was the reason why this date was fixed. I thought I should make that clear.

MR. FOSTER SUTTON moved that the Appropriation Bill be read without amendment and the Customs Tariff (Amendment No. 2) Bill with amendment.

MR. TROUGHTON seconded.

The question was put and carried.

Council resumed, and the President reported accordingly.

THIRD READINGS

MR. FOSTER SUTTON moved: That the Employment of Servants (Amendment), the Native Registration (Amendment), the Registration of Persons, the Domestic Employment (Certificate of Registration), the Customs Tariff (Amendment No. 2), and the 1948 Appropriation Bills be read the third time and passed.

MR. TROUGHTON seconded.

The question was put and carried, and the bills read accordingly.

ADJOURNMENT

Council rose at 10.30 a.m., and adjourned to a date and time to be notified hon. members, which was subsequently appointed by the President to be 10 a.m. on Thursday, 8th January, 1948.

Thursday, 8th January, 1948

Council assembled in the Memorial Hall, Nairobi, on Thursday, 8th January, 1948.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to A. Dalton, Esq., C.B.E., Acting General Manager, K.U.R. & H.

MINUTES

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

ORAL ANSWERS TO QUESTIONS

No. 89—HOUSING SUBSIDY.

MR. PRITAM:

While officially there is an acute shortage of housing accommodation in big towns especially in Mombasa and Nairobi, is Government aware that in Nairobi alone there are some 200 houses purposely kept vacant by landlords for sale at fantastic prices against vacant possession or to let against high premium and exorbitant monthly rents and, if so, what steps does Government propose to take with a view to requisitioning these houses in order to relieve the present acute shortage of housing accommodation?

MR. TROUGHTON: The answer to the first part of the question is in the negative. According to the latest information in the possession of the Government, the number of vacant houses in Nairobi is approximately one-tenth of the number stated in the hon. member's question.

As regards the second part of the question, on the information available the Government does not consider that requisitioning procedure is justified at present. If there is any evidence of any considerable increase in the number of vacant houses, the situation will be reviewed.

As regards the reference in the question to high premiums and exorbitant monthly rents generally, I would invite the hon. member's attention to the Rent Restriction Ordinances and to the public statements recently made by my hon. friend, the

Attorney General, to the effect that as an inducement to persons who were deliberately victimized by unscrupulous landlords he undertook in proper cases to guarantee immunity from prosecution to such persons if they would come forward and give evidence regarding the transaction.

WEDDING GIFT TO H.R.H. PRINCESS ELIZABETH

MR. RANKINE: Mr. President, I beg to move: Be it resolved, that this Council approves an appropriation from general revenues, of the order of £2,000, for the purpose of erecting and equipping a game lodge in a national park as a wedding gift to Her Royal Highness the Princess Elizabeth.

I understand that hon. members agree that this Colony, like so many others, should make an official gift to Her Royal Highness the Princess Elizabeth on her wedding. When casting about in our minds as to the most suitable form that such a gift might take, we came to the conclusion that it would be appropriate for it to have some connexion with the most remarkable of our natural assets—the fauna of this Colony—especially as that has such a great attraction to overseas visitors. We have therefore decided to erect and equip a game lodge in one of the national parks, and this resolution is to give effect to that decision.

As hon. members are already aware, Her Royal Highness has accepted that gift. In doing so she has made it a condition that it will not involve any financial commitment, and that she should be at liberty to lend it to any of her friends. She has also found it necessary to make it a condition of her acceptance that it should not imply that she herself will necessarily make use of it. While I feel sure that we will all understand and appreciate the reasons that made that condition necessary, nevertheless I think we all hope that, possibly, to pay a visit to Kenya. (Applause.) I think that, on behalf of the inhabitants of the Colony, we can assure her and her husband that, if she does, she will receive a real royal welcome. (Applause.)

SIR ALFRED VINCENT: Mr. President, I have great pleasure in seconding the motion before Council. My colleagues and myself are exceedingly pleased that this

[Sir A. Vincent] gift had been thought of, which will give Her Royal Highness and her husband the opportunity of seeing some of the attractions of this country should they decide to visit Kenya. I cannot think of a more suitable gift to be offered by this country, and I am certain I can, as Chairman of the Trustees of the National Parks, assure Council that we will do everything we can to see that the gift is carried out in the spirit and to the letter. I have great pleasure in seconding. (Applause.)

Mr. PATEL: Mr. President, on behalf of the Indian Elected Members, I wholeheartedly support this motion before Council, and I look forward to the day when we shall have the privilege and pleasure of welcoming Her Royal Highness and her husband. (Applause.)

Mr. MATHU: Mr. President, on behalf of my colleague and myself and of the African community of this country, I should like very much to associate myself with the remarks made by the hon. member in presenting this motion to Council. We all appreciate the sentiments behind it and we would like to associate ourselves with the hon. Chief Secretary in his remarks that this country would be most privileged at some time to welcome Her Royal Highness Princess Elizabeth and her husband. (Applause.)

The question was put and carried.

STANDING RULES AND ORDERS SUSPENDED

With the consent of the President under Standing Rules and Orders No. 108, Mr. RANBY moved: That Standing Rules and Orders be suspended to enable the four motions of which notice had been given that day to be taken at this sitting.

Mr. FOSTER SUTTON seconded.

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

INTERIM PENSION

H. D. DRIVER

Mr. THROUGHTON: Mr. President, I beg to move: This Council approves the payment until further notice of a provisional interim pension at the rate of £51.410 a year with effect from 4th August, 1947, inclusive, to Mr. Homl

Dossabhy Driver, formerly clerk; grade II, Judicial Department, in respect of his services from 17th May, 1939, to 3rd August, 1947, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon amounting in all to £239.11.02 which reverts to the general revenue of the Colony.

This clerk has been invalidated from the Service, and the payment of an interim pension, approved by resolution of this Council, is common form for which there are many precedents.

Mr. FOSTER SUTTON seconded.

The question was put and carried.

POLITICAL SITUATION IN NATIVE AREAS

Mr. COOKE: Mr. President, I beg to move: That this Council, believing that often agitation is a symptom and not a cause of unrest, views with grave concern the political situation in many of the native areas to-day.

I should like to make it clear from the outset that this motion of mine is no blind attack on the Government of this country, or on any of the senior officials inside or outside this Council. I bring this motion for the honest and sincere reason that I wish to elicit from the Government spokesmen, and more especially my hon. friend the Chief Native Commissioner, what the Government purposes to do to eradicate the suspicion which I allege is rising and sweeping like a rapid tide throughout the native areas of this country; and to obtain some idea from him—if he admits my premises—what Government proposes to do to restore in the African that old faith in the bona fides and good faith of the British Government.

Hon. members may recall that, in my budget speech, I accused the Government of lacking the confidence of the African, and if my hon. friend the Chief Native Commissioner had replied in a reasoned and logical speech to the points I brought up, it is probable that this motion would never have been brought. But my hon. friend took up a somewhat pugilistic attitude, and indulged in a good deal of what I might call big talk, but be made no effort, or very little effort, to combat, or to reply logically to the points I brought forward. In the course of his speech the

[Mr. Cooke] hon. gentleman accused me of having thrown casually into the arena the allegations I had made. I have come here to-day fortified with a large number of documents—I promise I will not read them all—and I will ask hon. members to say, when I have finished with the hon. member and his accusation, whether I have really thrown into the arena a casual allegation, or whether by criticism have been wanton, or wicked in any way. For many years I myself have been very perturbed at the trend of affairs in this country, and it is no argument to say that a similar state of affairs may be evident in other parts of the British Empire. What we are concerned with here is to put our own house in order.

I am afraid I shall have to inflict a certain number of quotations upon members. The first is an article which I wrote to a contemporary paper in Kenya nine years ago, and it was called "Native Policy". In that article I wrote:—"There is in Kenya to-day a growing lack of faith in the bona fides of the Government and a growing lack of confidence in their promises." I went on further to say:—"And if anything is to be accomplished every effort must at once be made to restore in the African confidence in our impartiality and good faith, for it is certain that no reform can be carried out or real progress made without the confidence and willing co-operation of the African himself." That was written over nine years ago.

When the war started there were certain arrests made of political agitators throughout the country, and no doubt that was necessary; but I felt that arresting people was not the solution to the problem, and I made it my business to see Sir Henry Moore, the late Governor, with whom I had a long interview. I submitted to Sir Henry Moore a memorandum which I had given already to Lord Hailey, containing certain points and including this article which I had written to the *Kenya Weekly News*. I received from Sir Henry Moore a letter in which he said: "I will certainly give them" (your points, that is) "all consideration for I appreciate your anxiety that in times like the present the importance of a progressive native policy should not be overlooked". Lord Hailey replied, through his secretary, that he wished to thank me very

much for my letter of the 18th April, and for the enclosures, which he was very pleased to have.

On many occasions during my ten years membership on this Council I have brought up motions in which I have to a certain extent castigated Government for what I call their weak, vacillating policy so far as the Africans of this country are concerned. So I think it might fairly be said that I have not thrown casually into the arena the allegations which I have made during the budget debate. They are allegations which I have been making for the last ten years, and of which no notice has been taken, or very little notice.

My allegation is that there is grave suspicion of Government promises in this country. Indeed, the suspicion is so great that when Government makes an offer to the Africans which it must be obvious to every thinking man is for the benefit of the African, they see some ulterior motive behind it. You may ask me what is my evidence for so serious a statement. My evidence is first from the lips of the Chief Native Commissioner himself. I have already quoted from his annual report. I do not know whether it was actually written by himself, but he must take responsibility for it. It is evident from that report that the Africans not merely disregarded, but viewed with suspicion, Government advice and Government orders, and throughout that report there is evidence of frustration, for everything the administrative officers say to the African's regarded with suspicion.

Another very senior administrative officer, who was Registrar of Co-operative Societies, wrote in his report of last year that he found it very difficult to make progress with the co-operative movement because "the African to-day tends to regard with suspicion any advice offered to him by the Europeans." I must also quote once more—I am sorry to worry Council with it—the experience of the hon. gentleman himself when he put to the African of Karatina the very reasonable proposition that they should work the factory in Government. The fact is that the African, of course, gave him the lie. They said in effect: "That is all very fine, but we do not believe what you say," and they rejected this very sound advice of the hon. Chief Native Commissioner. It does show

[Mr. Cooke]

the complete lack of confidence that exists when one of the most senior Government officers gives them in a baraza his own personal assurance, and they say they are not prepared to accept that assurance.

His Excellency the Governor has addressed several barazas and broadcasts to the African people—sometimes, I feel bound to say, in language which I do not think is quite justifiable (however, he has done so)—and what is the response? The response is nil, or practically nil. What is the result? Very little. Now this suspicion of Government, if indeed you grant that there is suspicion of Government, is due to, I think, many factors: I have lived long enough in this world to realize that no great crisis or no great movement is due to any one factor alone. It is usually due to a combination of factors, and so it would be very foolish to say that this suspicion is due to one factor alone, because there may be a dozen other ones, and I could mention a good many other ones but I will not occupy the time of Council by doing so.

The greatest factor which I personally think—and of which I am going to give examples this morning—is the constant breaking of Government pledges and promises to the African people. These pledges and promises are not always, I admit, explicit, but very often they are implicit, and when you are talking to people who are ignorant they very often take it for granted that, because you have given an implicit promise, you will do this or that or the other thing. In many cases, of course, promises have been executed. I do not know, because I have not consulted him, whether my secondor, the hon. Member Mr. Mathu, agrees with me that that is the chief cause. I hope he will say so if goes aargue, and I hope he will give what he may consider other causes.

I am one of those probably old-fashioned people who believe that when you are dealing with people of a lower standard of education you must be even more scrupulous and fastidious to see that you carry out your promises. I think I may say that this is the policy of elected members on this side of Council, because I am going to read very brief extracts from what Lord Francis Scott said when he was leader of the Elected Members, and I hope the present leader, if he agrees, will say so. He goes on about the unrest

in Kenya seven years ago and he says: "This, I think, is due to various causes. A sound native policy must be based on firmness and justice. The Government should never put themselves in the position where the natives can say that they have gone back on their word in any respect". I am sure my hon. friend will agree with that.

Somebody even more eminent than the noble lord—Lord Cromer (it is mentioned in Lord Zetland's book)—was more emphatic: "It was a cardinal article of Cromer's political faith especially in his dealings with oriental races that the most scrupulous good faith between the Government and the people must in all circumstances be maintained. No demand based on expediency, however urgent, could be permitted to override, no necessity, however subtle, could be allowed to overcome this imperative interest." The Hilton-Young report commented in similar terms. I am not going to read it as I do not want to waste the time of Council. I am sorry the hon. Member for Nairobi South did not nod his assent when I asked him if that was the policy he would pursue with regard to Africans, but perhaps he does not want to commit himself! (Laughter.)

I am going to give four examples of these breaches of faith and I am going to take four representative tribes of Kenya: the Teita, the Sudanese, the Somalis, and the conglomeration of the tribes who work in Mombasa.

It is a well known fact that for many years the Teita tribe has been suffering from a shortage of land, and a few years ago Government sent down to Teita, Mr. Montgomery, a former Chief Native Commissioner, and Capt. F. O'B. Wilson, to investigate the possibilities, and they wrote a very strong report in which they said that soil erosion was so great in the Teita Hills that unless the natives got their other land recovered the consequences would be extremely serious. Government accepted that recommendation. The area in question was about 10,000 acres held on a lease by the Teita Concessions. The Government view was that this land was so necessary that they threatened Teita Concessions with all sorts of pains and penalties, that if they did not surrender the land it would be taken from them.

[Mr. Cooke]

I want to make this perfectly plain to the President, hon. members, any everybody here, that I am not concerned at the moment in any way with the right or wrong of that proposed expropriation of this land under the Indian Land Acquisition Act. That is entirely beyond this point. The point is that Government in an official statement signed by my hon. friend the Member for Local Government over two years ago, made it clear that Government was determined to take this land and give it to the Teita people. The Teita people regarded that as a definite promise that that land would be given them, and I have it from three old district commissioners in that area that that has been one of the great causes of suspicion of the Teita of the British administration of that part of the country, and one of the reasons why more progress has not been made. When the head of the Government, who is His Excellency, says he is going to expropriate that land and give it to the Teita and when he does not carry out that promise, explicit or implied, I think there is every reason to be suspicious of Government's intentions. I will emphasize again that I am not casting any aspersions at all on the methods that were going to be adopted.

Actually, the company were prepared to make not only ample but generous concessions in order to come to a broad and fair decision, and the unfortunate part of it was that the African thought it was the company which was in the wrong, whereas it was Government which had made all the trouble. The company were ready then and to-day, as no doubt the hon. Chief Native Commissioner will tell us, to give up that land if they got a generous compensating exchange, but all the unpopularity was reflected on the company, whereas it should have been reflected on the Government. If Government did not mean to carry out their promise, why in the name of goodness did they give it and why was it not carried out?

The second point concerns the Sudanese. Everyone knows they have one of the most gallant records of any tribe in Africa. They have fought for us in a hundred wars in this country, and they were given as a reward for their loyalty permission to reside on land now known

as Kibera, near Nairobi, about 40 years ago, and they moved there with their wives and families. That was not entirely altruistic from Government's point of view, because it formed a very good recruiting ground for those famous African warriors. They did give them a pledge, not only implicit, but explicit, and I have here Sir Joseph Byrne's own words which he used at a baraza when he gave them a promise that they would not be forgotten.

Furthermore, they had a more recent promise from the present Governor. In reply to a question of mine in 1946 he said he would make it his business to see and to go into it personally: "I think the best undertaking I can give the hon. gentleman is that I will go into the matter myself." That is as good a pledge as one could possibly expect. The Carter Commission found that they should be permitted to live on this land until the death of their wives. (Mr. WYN HANAUSS: Where?) We will look at that later on. They were further promised implicitly and not explicitly, that if their land at Kibera was taken from them other land in some other area would be found.

What is the result? On the 1st September of last year, a document came from the District Commissioner's office in Nairobi, and here is what it said—incidentally the document, for the benefit of the hon. Attorney General, is not even dated, but this is a reflection on the General Manager of the Railways. It was addressed to one of the householders: "The Kenya and Uganda Railway will take over all the land lying between the new alignment and 100 ft. on either side, and for this purpose it will be necessary eventually for all lands within that area to be removed. The date when such removal will begin is 1st October, 1947—that is a month after the issue of the document"—and this warning is sent in good time—"and this warning is sent in good time"—"so that you may take any steps to demolish your hut beforehand, should you so desire, and make use of the materials for your own purpose. Everything possible will be done to mitigate hardship," etc.

Well, little was done to mitigate the hardship, and there was no intimation of doing much. In fact, I think I may say, even to this day there has been very little done, because I have been speaking to the District Commissioner in the last half

[Mr. Cooke.] hour or so, and these men living in these almost semi-permanent houses, not ordinary huts that so many of the ordinary tribal people live in, were given one month to demolish those large Swahili built houses and clear out, in spite of the pledge given by Sir Joseph Byrne and the pledge given by Sir Philip Mitchell. That was done, here is the document, and it cannot be denied. Perhaps fortunately for the good name of the British people I happened to have it brought to my attention as Vice-President of the African section of the British Legion, in which most of these men are members. I saw Mr. Thornley about 8.30 a.m. on the 1st September, and drew attention to it, and he took immediate action, and these notices were at once cancelled, and three months' notice was given.

Can you beat it for a blunder, that these men who had given up years of their lives to Government service, who were honorary A.D.C.s the other day to Field-Marshal Lord Montgomery—the impertinence of this order, that they had one month in which to demolish their houses and clear out! If that is not a thing that arouses suspicion, which would have reactions not only in this country but possibly in the Sudan and West Africa, I do not know what is, and if that is the way Government governs the sooner the methods are changed the better. (Hear, hear.)

Now I come to the Somalis—I will acknowledge that he is a difficult creature. He is not unlike the Irish, and we are a difficult race at times! They have done extremely good service to this country. They have served in the regular constabulary in the Northern Frontier and in the King's African Rifles, and have fought a good many battles for us. We have detribalized them, bringing them from Aden and Berbera to our northern frontier, and I as an officer in Government for many years fought their battles for them, while *Hansard* is full of my questions. The replies of Government, every one of them, say "This matter is under consideration."

I have one here from the hon. Member for Agriculture, in which he said last January—I do not blame him, because it is difficult for him to get a move on amid the gross inertia which prevails—but no action has been taken, and these men are wander-

ing all over Kenya. Indeed, they are not permitted to indulge in the cattle trade, with certain exceptions, and their whole livelihood has been taken from them. No wonder these men become agitators and are critical of our administration. Is it any wonder that the Somali Youth League, to the embarrassment of the officer in charge of the Northern Frontier District, has developed there? Is it any wonder when you treat people like that? It is an implied promise if you bring people from Northern Somaliland, make them absolutely detribalized, and say: "Fend for yourselves." Certainly a little land was given to them at Isiolo, but it is inadequate. Time after time I have asked for a committee to be appointed to see if there was land available for these people, but nothing has been done.

My last one is the Mombasa position. It is quiet now, for Government could not refuse the award of the tribunal which they fought against the establishment of, tooth and nail, but they had in the end to give away, though they wanted another committee like the Phillips Committee in order, no doubt, to avoid taking action!

I must briefly dwell on this matter.

In 1945 there was considerable unrest among the labour in Mombasa. Government was so perturbed, the war was on, that they flew two Luo chiefs down specially to talk to these people and ask them to be reasonable, and gave them a promise as definite as any Government promise could be that, if they did not strike and went back to work, there would be no victimization and that their grievances would be redressed. The Africans naturally concluded that a tribunal with mandatory powers would be appointed as had been done in the past but, instead, Government appointed a committee with three eminent men as members. I will give their names: Mr. Phillips, Crown Counsel, and the other two well known citizens of this country, Mr. Riddoch of Kisumu and Mr. Campbell of Mombasa, men in whom everybody had confidence. This committee sat and heard evidence, and issued a most valuable report. That report, I think, to this day has never been published, the only reason being that Government was frightened of certain statements in it—the only reason I can imagine, and if I am wrong the hon. Chief Native Commissioner will tell me so. But no action

[Mr. Cooke.] whatever was taken: Interim action was taken and certain interim awards made, but the main causes of the dispute and Unrest Government never dealt with.

This went on for 18 months, and every time the Africans asked for something to be done or to see the report, they were told that Government had it "under consideration." And "under consideration" it was, and "under consideration" it would be to-day if those unfortunate people had not gone on strike. They had waited for 18 months and in January of last year they went on strike. Then, and not until they went on strike, they got the tribunal to which they were entitled 18 or 19 months earlier. That tribunal confirmed everything, and went even further than what had been said in the Phillips report. I submit, without any fear of contradiction whatsoever, that when Government established that Phillips Committee they did so with an implicit promise to the Africans that Government would implement the recommendations of that Committee. (GOVERNMENT MEMBERS: No!) You will have plenty of opportunity to reply. If they did not, then Government were guilty of a double facing, which is even a record for this country. (Mr. THOUGHTON: Nonsense!) I defy the hon. Attorney General was—I have no hesitation in defying him even now or at any other time, I defy the hon. gentleman to contradict me—the strict legal position was that the tribunal should be appointed. And I defy him, I defy him to contradict me that his substitute, the deputy or acting Attorney General, took that view, which I have in writing.

Now, sir, no tribunal was established, but those ignorant men were duped into accepting the Phillips report and loyally went back to work, and Government went back on its promise and did not implement the report except in one or two small instances. I think I am correct in saying that the tribunal in its award made reference to the fact that if Government had taken earlier action there would have been no strike, but I will confirm that later. Will the hon. member confirm if that is true or not?

I have finished, and I will not indulge in any peroration. I have taken four examples and will say that Government has shown a tremendous impartiality in the

way it has treated the various tribes, for they have not concentrated on any one tribe in breaking promises! That is impartiality! I have put this down not as the only cause of suspicion that is abroad to-day but, in my opinion—it may be quite a different opinion is held by the hon. African members, Mr. Mathu or Mr. Ohanga—as the chief cause, it is, lack of confidence, and I think that the vocal and soluble members of the community, whom Government like to call agitators, those men are working on fertile soil. It is too easy for them to get support, although I do not condemn agitators as much as others do, because often they are the political leaders of tomorrow, and Government gives them every opportunity on which to thrive—the dissatisfaction and unrest in this country. Government make little effort to remove the grievances, but present them on a plate to the agitators. If there is trouble those agitators will probably go, quite rightly too, to prison. But that is not the right way to tackle the problem—it is too deep. It must be tackled at the roots, which is the reason why I have brought this motion to-day.

Mr. MATHU: Sir, I beg to second the motion formally, and reserve my right to speak later on.

THE PRESIDENT: The motion has been moved and seconded.

A long pause.

THE PRESIDENT: Nobody seems to wish to address the Council. I cannot call on the mover to reply, and so the only course is to put the question!

Mr. THOUGHTON: Mr. President—(laughter)—I had not intended to inter-vene in this debate, but there is one observation—or one series of observations—by the hon. Member for Coast which I cannot allow to pass unchallenged.

I do not propose to traverse the ground covered by the Phillips report. I remember the document very well, and I was connected in many ways with it. The point I want to make is, that when a committee is appointed to go into a particular subject, there is no commitment on the part of those appointed that committee either express or implied that the recommendations of that committee will necessarily be accepted in full.

[Mr. Troughton.]

The object of appointing the committee was to make an investigation, to go into the facts, and to make recommendations for consideration, but no Government could possibly delegate its functions to a committee. A committee of inquiry is an entirely different thing to a tribunal, and I contend there was never any commitment, expressed or implied, on Government to accept whatever recommendations the Phillips Committee might make.

The second point, and I have no doubt that the matter will be fully covered by other speakers in this debate, if there are any (laughter), the second point which comes within my personal knowledge is Kibera. That is in connexion with the realignment of the railway through Kibera. It has been my pleasure recently to take part in very pleasant negotiations with my former hon. friend the General Manager of the Railways, now the Member for Transport in the East Africa High Commission, and the hon. Chief Native Commissioner, and I took part in those negotiations with the object of endeavouring to secure the interests of the inhabitants of Kibera affected by this realignment, and we secured from the General Manager the undertaking that the Railway Administration would be prepared to build alternative accommodation of a much superior character to the accommodation that was being removed, alternative accommodation for those people if they wanted it—

Mr. COOKE: On a point of order, I think I have read that reply, and the hon. gentleman need not waste the time of the Council. My point was that it was a month's notice which was given.

Mr. TROUGHTON: I have no intention of challenging the hon. member's point but I have every right to refer to the treatment of the natives at Kibera in any way I choose as it arises on this particular motion.

The General Manager agreed that alternative accommodation would be provided of a much superior character at Railway expense, and the individual is given the option, or it being given the option, of receiving full compensation in cash or, if he so desires, a completely new house built on sound lines and of a much better character than the house he vacates. Whatever may have happened regarding the month's notice in the past,

that is the position of those people to-day, and I contend that Government and the Railway Administration have done them proud and are doing them proud, and there can be no question of breach of faith. They are receiving much more generous treatment than the members of any other race, will get if they are affected by the railway realignment.

Those are the only two points in the hon. member's speech on which I have personal observations to make.

SIR ALFRED VINCENT: Mr. President, I am sorry that I could not immediately respond to the hon. mover when he made a quotation, because I did not know what he was going to say afterwards, and as he is a very able debater, when he did make a point in connexion with a quotation I could not agree to it until I had read it in the context. But, having now read the portion of the memorandum on native policy by Lord Francis Scott, I should like to say that I wholeheartedly agree with that particular quotation in that context.

Mr. WYN HARRIS: Mr. President, I had intended to speak later in the debate, but as it appeared there was very little eagerness to get up after the hon. mover on this side of Council I propose to reply now.

I regret that the hon. Member for the Coast should have thought it necessary in the interests of this Colony to propose this particular motion. Firstly, I regret it because I understand that he has introduced it as a result of my attempt in the budget debate to refute the allegations that the Administration have lost the confidence of the African and, secondly, if thereby I have been the unconscious cause of this motion I regret it. I cannot believe that this motion does much more than allow the hon. member for the Coast and myself to show sharp differences of opinion on practically every facet of native administration, and it will not assist us in our desire to further the welfare and good government of this Colony.

As I, myself, am labouring under some bitterness of spirit over this motion, I am taking the trouble to speak from detailed notes, as I wish to secure no unfair debating point or do any disservice to the country whose interests the officers of the Administration no less than the hon.

[Mr. Wyn Harris:] Member for the Coast have striven to serve. I must, however, answer the criticisms, and I will do so with as little heat as possible.

The indictment, as I understand it, is that the higher Administration has lost the Africans' confidence. I assume that the hon. member means the "Secretariat clique" as he himself describes it. I can only assume he means the Chief Secretary, the Financial Secretary, the Deputy Chief Secretary, and myself. I hope in his reply that he will explain whether he also includes other official members of Executive Council such as the Member for Law and Order, the Member for Agriculture, the Member for Health and Local Government, because we are the senior members of Government.

When he says that the African has lost confidence in the higher Administration, I assume that by the word "African" he means the rank and file of the various native areas and not just the intelligentsia or the editors of the vernacular newspapers; that he means Aygü s/o Olopingo living in Gem in Central Kavirondo, Karanja s/o Githengi living in Fort Hall, and Kibet arap Bore living in the Kamasia. Well, it is a pretty picture, these three in their several huts over their drinks at night saying this: "We trust our chief, we trust our new African administrative officers; we have the highest regard for the provincial commissioner and the district commissioner; but when we come to the Chief Secretary, the Financial Secretary, the Deputy Chief Secretary, old Uncle Tom Cobley and all, we do not trust them." The suggestion is absolutely ludicrous. The average African regards Government as the Serkali, and he does not distinguish between the Secretariat and the district commissioner, and if he loses confidence he loses confidence in the whole of Government from the top to the bottom. In consequence, I submit that this is an attempt on the part of the hon. member to treat the Administration of the Colony as being like the curate's egg—good in parts, is not in accordance with facts. Either the average African has lost confidence in Government as a whole or he has not.

I have dealt with this at some length as trying to rationalize the charge the hon.

member has brought, so that I can answer it. It appears to me to amount to this. Firstly, the average African has lost confidence in Government and all its works, and, secondly, this loss of confidence is the fault of those officers who operate the Central Government in Nairobi and not of the officers in the field.

Let us examine the first charge. It is vague, it is fairly easy to bring and almost impossible to prove either way. I have already denied that it is true that the African has lost complete confidence in Government. In pulling forward this theory my hon. friend relied on the Native Affairs Department report, 1939-1945. I did not write that report, it bears the signature of my predecessor, but I stand by all that is in it. I have read that report again, and I have traced two passages which may support his theory that there might be a lack of confidence, and I will read them: "That the good feeling which persisted throughout the war is less apparent now is an obvious truth but one which applies not to Kenya alone. There are several disquieting tendencies. One is the indisputable fact that the labour output of the African has decreased since 1939. Another is that African trading is uneconomically active, and his commercial ethics are not always all they should be. A third, that more than ever before he looks to Government to supply his wants and gives little thought to the doctrine of self-help"—(that does not look like lack of confidence). "A fourth, his disinclination to accept advice and guidance which is bred of a self-assurance induced by lack of experience of world affairs." And the final paragraph in the report: "The growing individualism of the African, his love of so-called politics, and his suspicion with which he regards the best of our Government, are all unintended efforts to assist him in his worrying features, but to some extent may be regarded as growing pains, and there is no reason to believe that confidence will not be restored as the effects of the war wear off and staffs in active areas can be made up to full strength once again." Those are the only two passages which I could feel support the hon. member's contention.

Against that there are several passages which are in opposite vein, and I am going to quote two very briefly, because this report covers the period of the war

[Mr. Wyn Harris] ... and not the years subsequent to the war. "At one period, 42 officers out of 115, whose names appeared on the staff list, were employed on special duties away from the field. At a time when personal contact with the African in the native land units was most necessary, this was more hard to achieve than ever before, and it says much for the diligence of the Administrative staff and for the loyalty of the African in a time of stress that not only was there no serious disturbance during the war years—"mark II," "no serious disturbance during the war years"—"but that substantial progress was made politically and to a lesser degree economically". The only other quotation I will take from this report is this: "Generally speaking, the behaviour of the African throughout the war was admirable. Without undue complaint, many were conscripted for work on estates and farms in the interests of the production of food and other essential products. Many produced cattle which were bought by the Live Stock Control at prices much below current internal market (or perhaps one should say black market) rates, many volunteered for service in the armed forces—a cynic might say that it paid them to do so, but comparatively few were actuated by the motive profit. Another gratifying feature was the manner in which local native councils and many individual Africans contributed to war funds and to such appeals as Sailors' Week".

That document, as I say, can be read either way.

Now, what exactly is meant by the expression "the higher Administration has lost the African's confidence"? There has, of course, been a diminution of confidence, I admit it, but that diminution of confidence is due to all sorts of causes. Some of it is possibly due to mistakes in administration, I admit it; some is possibly due to mal-administration, of course we have had mal-administration in certain instances. But a great deal of the loss of confidence is due to causes far beyond the control of any one in this Colony or anyone else in the British Empire. If there has been any loss of confidence, what are some of the main causes of it?

Firstly, I suggest to this Council that the very set-up of any administration in the British Colonial Empire framed as it is

on the rights of the individual and the belief that the individual is more important than the state, is bound to encourage the demand by the governed for more and more share in their Government, and if every demand by the governed for more self-government is not immediately met, obviously the governed begin to question the bona fides of that Government. This does cause lack of confidence, but is in itself inherent in a democratic empire, and participation in government is bound to increase the appetite it feeds upon. This we know, and as a Government we have from time to time to regulate the pace of progress, and that regulation of the pace is bound to cause a certain amount of lack of confidence.

The debate was adjourned.

Council adjourned at 11.05 a.m. and resumed at 11.20 a.m.

The debate was resumed.

MR. WYN HARRIS: I had reached the stage where I was discussing the causes of lack of confidence, and I have described one of the major causes which is inherent in our constitution.

The second cause is this. We have the fact that previous to the war very few of our African citizens ever left the confines of Kenya. During the war thousands of them went to Burma, to the Middle East, and to cities like Cairo, Alexandria and elsewhere, some of them even finding their way into the prison camps of Germany. These contacts with civilization are calculated to bear the seeds of political unrest in the future. Any administrative officer with any experience whatsoever expected trouble when we had our 80,000 Africans back in the reserves again, and we were not disappointed, as you all know. We have had trouble not only in the reserves; we have had it in the towns.

But, I would say this, that it speaks extremely well for the Administration and for the African soldier that that trouble has been nothing like what we expected in the Administration. It was not easy for these men to settle down to the day to day life of an African village, but they have done it. The cause of that particular unrest—submit a very major cause—cannot possibly be laid at the door of the Administration of this country either through failure to keep promises or anything else. In fact, as Council well know,

[Mr. Wyn Harris] ... we have done everything in our power, with the African reabsorption officers, with the training centres such as "B" and "C", and with the labour exchanges, to fit these men back into civilian life. I submit that, with the goodwill of the African, we have achieved far more than I would have hoped for two years ago.

The third major cause of unrest among Africans in the Colony is, of course, the presence of immigrant races in this Colony. Here I know I am stepping on the delicate ground which the hon. member would like me to step on to, but I would just quote two very difficult problems we have in this country, which do not occur in either Tanganyika or Uganda. That is the squatter problem and the land problem, as examples. I would only say at this stage that, if we are to remove what the African considers to be the underlying causes of unrest with regard to these two particular problems, we could only do so and satisfy him at the quite unjustifiable detriment of the immigrant races. I would add that, in my view, the Government has handled these problems, difficult though they may be, in the last two years in a reasonable manner. I do not expect my hon. friend, Mr. Mathu, to agree with me over that particular point, but it is a cause of unrest, and I submit that Government has discharged its duties as faithfully as it could.

There are many other causes of unrest, in some of which the Administration can and does interfere, in some of which it should interfere and does not interfere nearly as much as it should, and I admit that, but we are human. As an example, I would quote the delay which we are experiencing in getting out the education plans for the African—a very serious cause of unrest. Further causes of unrest are that the Central Government, with the support of this Council, is niggardly in its grants to Local Native Councils; the fact that the salaries of African employees in the past have not always been what they should; the difficulties of Africans in obtaining licences under the Transport Licensing Board—another cause of unrest—and his inability to understand that the Transport Licensing Board is in fact in the interests of everybody in this country. He finds it very difficult to realize that particular point.

There was another very serious cause of unrest. We have had it debated in this Council. That is the *kipande*. There are many other things which have nothing to do with the Government whatsoever, like the gratuitous rudeness that does occur by certain of the immigrant races to the Africans of this country. Finally, another cause of unrest—and I am giving the causes as I see them—is the apparent wealth of all Europeans and the obvious poverty of a large number of African agriculturalists of this country.

Those are the causes of unrest. Some of them we can help; some we cannot remove, but they are very much there. Those are some of the reasons why the African does not always have the confidence we would like in the Government of this country.

If the hon. Member for the Coast would look for a moment to the rest of Africa—to Tanganyika, Uganda, the Sudan and Somalia—he would see the same symptoms of unrest; and if he cares to cast his eyes beyond Africa he will find it elsewhere in the world. Now I say this, that if we have unrest in Kenya, we, due in part to good administration, have been far more lucky in maintaining confidence than many other territories, and I maintain on behalf of the Administration, both the Secretariat and the field Administration, that we have nothing to apologize for.

I came across on Tuesday in the leading article of *Saudi Mwafrica* quite an unconscious tribute to the African's confidence in the present Administration. *Saudi Mwafrica* is the official organ of the Kenya African Union, and the article finished up as follows: "I do not agree with its sentiments, but it certainly shows confidence:—We have undoubtedly achieved a number of very important things but it certainly does not mean that we are ungrateful. But we have to keep on demanding and pressing for our rights until we are accorded the same level as the others; if not more. We must ultimately have the majority of members in all councils, boards, and committees in the Kenya. The paragonry of the indigenous people must come first according to the British colonial policy known to us." If that does not show confidence I should like to know what does, though it may be unconscious.

[Mr. WYN HARRIS]

Now in blaming the Administration for every sign of unrest which has occurred, the hon. member is really paying the Administration of this country a tremendous compliment. He obviously has a pathetic belief, that the Administration is omnipotent. There is unrest; there are difficulties; there is loss of confidence—therefore the Administration, being omnipotent, could put them right if it wanted to. His view is that the Administration is failing in its plain duty unless it removes all causes of dissatisfaction and difficulty from every community. If high wages are demanded by the worker, the Administration is to see that high wages are paid. If higher output is required, then the Administration must ensure that every worker does in fact work long and willingly, and even sings at his work. The Administration must not only produce bricks without straw, but must produce houses without bricks. If squatters from Nalvasha clamour on Government House lawn for land in the Limuru farm area, the Administration must still that clamour and provide farms, and at the same time persuade the unfortunate dispossessed European owners that the whole thing is fair and for the best in the best of all possible worlds. When land is short the Administration, of course, must make the desert blossom like the rose, and expect to receive the strictures of the hon. Member for the Coast if they do not develop that land according to his taste.

MR. COOKE: On a point of order, is the hon. gentleman—

MR. PRESIDENT: What is your point of order?

MR. COOKE: My point is, is the hon. member in order in reading his speech?

MR. PRESIDENT: He is not, as I see it, reading his speech; he is merely referring to notes. He stated that he was going to speak from detailed notes.

MR. WYN HARRIS: I am not reading my speech. I have deliberately left out three "he's".

Of course, like all people such as the hon. member who go in for heroes and hero-worship, there is occasionally cruel disillusionment, and then the nursery door gets kicked. In this case the nursery door happens to be the Secretariat and the "higher Administration."

While my hon. friend has made his point clear that his criticism is aimed at the Government front bench, I propose, as was kindly suggested by him, to take shelter behind the field officers of the Administration as a whole. I claim that the Administration must be judged as a whole, and while my hon. friend would, I have no doubt, like to drive a wedge between the Secretariat and the field administration, it is a manoeuvre which I for one resent, and I would warn him in a friendly manner that if he tries to drive a wedge between the Secretariat and the provincial commissioners he is going to find five very angry men who consider that they are the higher Administration. They are quite rightly the higher Administration and are the lynch pins of our work in the field in this country. If on the other hand, he attempts to drive a wedge between the district commissioners and the provincial commissioners, I think he will find 34 district commissioners who will resent it, because they derive a great deal of comfort, a great deal of support, and a great deal of inspiration from the provincial commissioners, and much as they may curse the Secretariat and curse the senior officers within the service, we stand together as a team.

Before dealing with the specific charges laid by my hon. friend this morning, let us look at the Administration over the last eight years.

From 1939 to 1945 the British Empire was engaged in a titanic struggle, and the Administration of this Colony, with, if I may say so, ever increasing burdens, carried on with efficiency, with devotion to duty and, I will say, with inspiration. I would remind this Council that only three days after the outbreak of war the Administration lost its central offices, and with it the accumulated knowledge of 30 years' administration. They had to struggle in inadequate offices, without filing systems and without records. Quite a few of us when we saw the Secretariat go up in flames, thought it was funny. Of course, when it came to action it was far from being funny and was, indeed, a very serious loss; and if there is inefficiency in the Central Government at the present moment a great deal of it can be traced to the fact that we had to carry on during the whole of the war without

[Mr. WYN HARRIS] proper records and without proper office accommodation; and of course it led at the end of the war to an overgrown machine, which, we admit in many respects requires overhaul.

I would remark as regards administration in the native areas, that we had only about 60 officers in the field, when we should have had something like 100, for the whole period of the war; and in addition to the increasing burden on the shoulders of the Administrative staff, they have had to do an enormous amount of extra work due to the war. They had to be chairmen of the district production committees, they had to be chairmen of manpower committees, they had to deal with petrol rationing, and they had to deal with food distribution for a very long period in the war; they dealt with family remittances, and they also dealt with timber production, as regards getting timber out of the forests for the war effort; they dealt with military camp sites; the recapture of escaped prisoners of war; in fact, the whole of the increased war activities for a large part of the war fell entirely on the Administration, and for that period—from 1939 to 1945—I claim that there was no lack of confidence on the part of the African in the Administration, and that the Administration acquitted itself well.

There are certain other things which the Secretariat inaugurated and ran at that time, and which were run by the Administration, which I must mention. They were two things of which I think the Administration can be justly proud.

The first one was the recruitment, documentation and forwarding of military recruits. All who were in this country in the first world war are perfectly well aware of the Carriacou Corps and what happened. The fact that we had heard practically nothing of discontent in the Labour Corps is due entirely to the Administration, and the fact that we were lucky enough to have first-rate administrative officers in the E.A.M.L.S.

The second thing is that the Secretariat inaugurated and directed, and the field officers ran, a highly successful and well-run system of compulsory labour, but if you want to see the record by the Administration in an extremely difficult task, just read Sir John Orde

Brown's report. The compulsory labour system was carried out efficiently and well by the Administration, and is one of the examples which go to show that the Administration, in the war years anyway, served this country faithfully.

Let us examine the two years or so that have elapsed since the war ended. I have already referred to the difficulties in which the Secretariat found itself due to the first, and at the end of the war the difficulties of offices and the introduction of new ideas in the central Government, such as the Membership system, made the direction of Government an extremely difficult task. There is no doubt that a lot of inefficiency with regard to routine matters can be traced to the fact that we introduced the Membership system, which we simply had not got the officers in which to carry out the work efficiently. In spite of that, and in spite of the increasing tension of world affairs, we have done a tremendous amount with regard to good administration in the last two years, and a lot of it—most of it in fact—has come from the Central Government. It was only two years ago that the first African came to this Council. We have two now, and are going to have four next year. (MOSOKWA: This year!) It was, I suppose, the biggest single stride the African has made in the political field since the administration of this country began, and to suggest that this is not the work of the Central Administration, and that it does not make for confidence, to my mind is nonsense. In addition, you will find Africans of almost every—

MR. COOKE:—
MR. WYN HARRIS: Every time the hon. member interrupts me I shall start my sentence again.

In addition, we have a number of boards, like the Nairobi Municipal Council, the Mombasa Municipal Board, and the like on which there is African representation, and I claim that in these two years the political advance of the African, due a good deal to the initiative of the Secretariat, has been enormous.

With regard to race relations, I notice the hon. member in his letter to the *East African Standard* makes a point of good race relations. During the past two years race relations. During the past two years the senior Government officials have taken every possible step to improve our relationship with the African, not only labour, but if you want to see the record by word but by deed, and I think the hon. Members for Africa interests will

[Mr. Wyn Harris]

agree that special efforts have been made by members of the Administration to improve race relations, which is a matter that cannot be improved by rules and I will just instance two things.

The Government sent seven Africans to England to study the British way of life, and you will find that we have from time to time published directives dealing with this very difficult subject. We have been accused of not being interested in good relations, that is, what it really amounts to, I am going to quote, 'If I may, a directive which was issued last year by a Provincial Commissioner to the district commissioners of his Province:—

"District Commissioners must impress upon departmental officers in their districts and their African staffs must regard it as part of their duty to keep up every contact they can with the unofficial Africans. It is realized that the District Commissioner in the native areas has an overwhelming burden of office work, but it is essential that every District Commissioner should realize the vital importance of himself and his district officers getting amongst the people themselves as much as possible, even at the expense of office inefficiency. Each District Commissioner should aim at seven nights per month in the reserve for every officer as the very minimum—if possible more. The presence of an Administrative Officer on tour is the strongest propaganda we can produce and we have got to play that card to the full."

The directive goes on to deal with social contacts and manners to the African and concludes with this remark: "Political unrest will slow up all our efforts at progress and if we make mistakes with regard to the handling of the situation at least our mistakes be those of commission and not of omission", and we are trying to live up to that.

Leaving race relations, since the war days the Government has inaugurated and passed legislation abolishing the *Afande* and revising the identification system. If that is not an attempt, and an honest attempt to remove legitimate grievances from the African,

I do not know what is. We have also dealt with the Liquor Ordinance in this Council, as members are well aware. We are dealing, I hope this session, with the Pass Laws. The Government has had under review the question of discrimination over a large number of other fields, such as the Censorship Rules with regard to cinemas, and I hope, by the next session of Council—if it is only being held up, because of pressure of public business—we will be able to remove some of the penal sanctions from our labour laws, and I will refer to other things the Government has done, such as the secondment of a specialist on land tenure and the fact that we are busily engaged in reforming the native tribunals. Also, the Government is proposing to introduce very comprehensive legislation at the next session of this Council with regard to African councils. Council is aware that we are trying to reorganize and rationalize the question of social welfare in the reserves, mass literacy and the training of African civil servants. This is all positive; it is all good administration. Though not going as far as we would like, at least we are going as fast as we can.

I was at this stage going to deal with Kibera, but I will deal with that when answering the various points raised by the hon. member.

We have made mistakes, of course we have made mistakes; and we have made mistakes which do lead to lack of confidence; and one example which has caused us a lot of trouble is the delay in getting on with our educational plans. I know my hon. friend Mr. Mathu will bear me out that, is a cause, and quite a legitimate cause, of a great deal of dissatisfaction in the reserves. I would also admit that the time has come when, after the stress of the war years, our organization is in desperate need of overhaul, but to suggest—and I do not think it was lightly suggested—that there is chaos in every department of Government (I forget the exact words) is, I submit, sheer nonsense.

Let us for a few moments consider the specific charge that the hon. member has levelled at the Administration. But before doing so I would warn Council that, if any member feels he is going to support this motion, he ought to reflect for a moment that, while adversity

[Mr. Wyn Harris]

makes strange bed-fellows, criticism of Government makes even stranger ones, and while some members may feel, as I do myself, that there is a good deal of lack of confidence in the reserves, through no fault of the Administration, this motion is, in fact, a motion of censure on this Government, and if members are thinking of supporting the motion—I would remind them of Macaulay's lines when Tarquin stood before Rome:

"And those behind called 'Forward',
And those in front called 'Back'."

I am sorry to refer to an old chestnut raised again, but as the hon. member has resented my suggestion that he lightly throws into this arena remarks damaging to this Colony, I am going to take up a remark he made during the debate on land utilization in regard to Karatina. It is an old chestnut, and I do not apologize for raising it. This is what he said, from Hanyard: "I regard Karatina and what happened there as the greatest indictment of the administration this country has ever known". I will repeat that remark in case it is not quite understood. "I regard Karatina and what happened there as the greatest indictment of the administration this country has ever known"

The hon. member, I believe, stands by that statement, I suppose he does, and whether it is thrown lightly into the arena or not, I propose to show that he is talking nonsense, and that these same charges may be viewed then with equal suspicion.

With regard to Karatina, I have gone into it at great length in this Council, and I want him in reply to indicate why it was "the greatest indictment of the administration of this country". (Mr. COOKE: I will.) During the war the military wanted a vegetable factory and Karatina, a highly populated area, and I was suspicious of any land transactions. We know why the Kikuyu is suspicious of land transactions, and it is not within the powers of this Administration to do anything about it, but any administrative officer knows that when he goes to Kikuyu and talks about land he is up against a most difficult problem.

The military required vegetables desperately, and the Kikuyu at Kara-

tina were willing to help to produce them in large quantities. But the Kikuyu stuck on one point: only they were prepared to let us have all the land we wanted for nurseries and the factory, but they were not at all happy that when the end of the war came the factory would not become an English-owned company and they would lose their land. It was quite impossible to get any agreement. I was the district commissioner doing the negotiating so that I take the whole responsibility, and we should not have got the land or any co-operation unless we promised that, if we took the land as a war effort, at the end of the war those who gave permission for us to do so would finally have the right to say whether or not they wanted the factory to go on or have their land back.

I have no doubt that the hon. Member for the Coast feels that if somebody else had made those negotiations they might have persuaded the Kikuyu tribe to agree to hand the land over lock, stock and barrel. I failed because I did not, and I do not know whether that failure was the "greatest indictment of any administration" or not, and I should be grateful if he will tell me.

We came to the end of the war. We could not dispose of the factory at all easily or find anybody to run it as a going concern. We at last got a European firm to nibble at it and they were extremely reasonable; they were prepared to run it as an African-European company. But at that time a company composed of African ex-soldiers were anxious to run it as their own concern. Government, I consider very rightly, decided that that company of Africans was quite incapable of running the factory and in point of fact, if we had handed it over to them it would merely have meant that the Government would have given it its blessing and it would have damaged that confidence which we are trying to build up. Government refused point blank to go. Government refused point blank to hand it over to them, although we tried negotiations—(Mr. COOKE: That is not denied by me.)—with regard to the local native council possibly taking it over and leasing the factory to the Africans, so that Government could have some control over the activities of the company.

The next move was that, in carrying out our promises, I personally went to Karatina and addressed the Kikuyu for

[Mr. Wyn Harris] the space of two hours explaining every single point of the proposals. I gave them two days to consider the matter, and they returned an answer, which was unanimous, without a single African disagreeing, that they would like the factory taken down and that they did not want a mixed company. There were two alternatives: One was to remove the factory (as we are doing in accordance with our undertaking), and the other was to break our undertaking with the African and continue with the factory for the good of the African. I regret the necessity for our decision and should very much have liked to have gone ahead with the factory. Unfortunately, this Administration does fulfill its promises to the African; in spite of what the hon. member has said, and "the greatest indictment of the administration" in this case is the fact that we kept our word with the African.

I listened to the hon. member's speech, and it was full of vague accusations and suspicions and so on and so forth against the work of this Government and the Administration. When making statements of that sort, they should be backed by a number of weighty facts. But actually the hon. member produced in the whole of his speech six facts only. What are they?

The first was a reference to the arrest of agitators during the war. He did not throw that in our teeth but mentioned that fact, and it was the first he produced. He did not suggest it was something the Administration should not have done. The second was Karatina, and you have heard that indictment. He then came to the Teita. I was not present when the undertaking with regard to the Teita was made, but I know of it, and can easily say that I am aware as well as he that the failure of Government to hand over that land has caused a great deal of dissatisfaction among the Teita tribes. I will also say that when I was home in England last year I took the trouble to see the officer of the land, Mr. Goldman, and had a long conversation with him, and both Mr. Armitage and myself have been authorized by him to enter into negotiations for the purchase of the land, and I deny the hon. member's right to accuse us of breach of faith while those negotiations are going on.

We now come to the question of the Sudanese. I know the document to which he refers, and I am afraid I must admit it was not worded in the way it should have been. It is, however, a fact that the Sudanese have known for years that the railway was to go through that area, and in the past they were given time and time again verbal notice that they would have to quit. As regards the question of the railway offer, I do not know whether the hon. member suggests that we have got to treat the Sudanese in an entirely different way from other landowners but, in point of fact, we are, because when my attention was called to that particular document it was immediately withdrawn, and we have a senior administrative officer engaged entirely in trying to solve this very difficult Kibera question with equity and honesty to the Sudanese, and this fact is known by everybody in this Council. To suggest that a breach of faith is being committed in Kibera I deny. As the hon. Financial Secretary has said, we both have had a most satisfactory conversation with the General Manager, and he has undertaken to build houses worth many times those which are to be removed, and the Sudanese will have the option to take these houses or cash compensation.

I go further. As several members of the Council know, I have been before the Highlands Board—not always a triflingly pleasant experience!—and have got permission from them to search in the Highlands for suitable land for the Sudanese to carry on their agricultural pursuits, and I can assure this Council that I am aware of the promises Government have given, they will be found in the Carter Commission report, and if our promises are not fulfilled with regard to the Sudanese it will only be because they are more generous than the terms of the Carter Commission report.

We now come to Mombasa. This accusation was not a breach of "a specific promise" but of "an implicit promise." I was Labour Commissioner when the committees was set up and had a good deal to do with the question of sending the two African chiefs to Mombasa. I can assure the hon. member that no promise, implicit or implied, was given with regard to the Phillips Committee report. I myself, after the report

[Mr. Wyn Harris] came out, went down there and explained the interim report to the only organization existing, the Railway African Workers Association. They were completely satisfied that the interim report was carried out to the letter, and I informed them that every recommendation of the final report would be examined carefully by Government and where we could bring them into force we would. I believe I need not stress that there was no breach of faith.

I am not arguing that Government was prepared to carry out several of the recommendations. I found myself at variance over several details, but the Labour Department in my time, and in Mr. Hyde Clarke's time, kept every single recommendation of the Phillips report under review and pushed each one if it thought it was fair.

Those are the only facts which the hon. member has produced before this Council to bolster up the charge of lack of confidence in the Administration, of laying the blame of the Africans' lack of confidence in the Administration and laying the blame on this Government.

Finally, I cannot in a single speech cover the whole of the activities of the Administration of the Colony, all the activities and problems on which many of us have spent the whole of our working lives, and while I willingly agree that all of us look at the political scene with anxiety and concern and are prepared to do everything possible to allay lack of confidence in the Administration, we are not prepared to support this motion, which is a double-edged weapon and intended as a grave vote of censure on this Administration. This motion, in my view, is calculated to damage that very confidence which the Administration by its painful years of working is striving to build up. (Applause.)

Mr. MAXRU: Mr. President, I have a few remarks to make on the motion which I have seconded.

I should like to make it perfectly clear that some people say this motion should not have been brought up in this Council, and the hon. Chief Native Commissioner, in a very able speech in reply to the hon. mover, did say that it ought not to have come up. Personally, I think that this motion will not do harm,

but good. For once it has given the hon. Chief Native Commissioner a very good opportunity to put forward a very able case on behalf of Government, to show that all that has been said against the Administration is not correct. If this motion had not been brought, I do not think the hon. Chief Native Commissioner would have had the opportunity he has had this morning.

He did say there is a diminution of confidence on the part of the African towards the Government of this country. In my budget speech I used the phrase that the African's confidence in the Government has been shaken—I did not say there was no confidence entirely on the part of the African population. It would be incorrect to generalize in that way. It would be incorrect, on the other hand, to say that the African population would have a full hundred per cent confidence in Government or anybody, for that does not happen in any country in the world. We find that certain children in a family lose the confidence of their parents.

For these reasons I would say in seconding this motion that it has done one very useful thing, two useful things. It has given, as I have said, the Government an opportunity of very ably putting forward their point of view, to show that they have done their utmost to improve relations between the Government and the African people, and secondly, it has given the Government and the people of this country an opportunity to study the position more closely, and not to take everything for granted. I am sure the members of the Government, either in the Secretariat or in the field, after this motion will scrutinize the position and see whether the charges laid against it have any foundations whatever. I think that for those two reasons this motion may not be regarded as such a very noxious motion after all.

Now there is one point I should like to make in this connection, and it is this. During the last ten years the African population of this country has started to show to the Government and to the world at large that they are alive to the problems in this country, and that is, I think, one of the reasons why we find such phrases as "political agitation" among the African community. It is not

[Mr. Mathu] the political agitation. What is happening is that the brain of the African has started to function in a proper way, so that they are becoming conscious that they are members of a society, and as members of that society they would like to play their full part in the activities of that society.

The hon. Chief Native Commissioner did say when he was dealing with the causes for this diminution of confidence in the Government on the part of the African, that the African wishes to play a great part in the trade of the country, and so when he does not get the trading licences he feels that there is a certain amount of discrimination there, and he accuses the Government of not giving him the licences for which he has applied. He did also mention another very important cause for the diminution of confidence in the Government by the African, and that is the land problem, particularly in the Central Province. They feel, and it has been said many times in this Council, that there is congestion in the native land units. There are more people than the land can hold. The African says "what is the solution? Give us more land." The Government says there is no land, and the African sees that there are acres and acres of land lying in the European areas, some of it undeveloped, some with one person on it. What about that? That again is one of the difficulties.

But there is another point I should like to mention in this connection. The hon. mover did say that "this Council views with grave concern" and so on. There again I would say in seconding this motion, as I said earlier, that it is not in every reserve that we find this political unrest, or political disturbance. As I have said, the African is now coming forward to play a very important part in the development of this country; and any brake put on the wheel is his progress he lays at the foot of Government.

Before I sit down I should like to say that any diminution of confidence, or any dissatisfaction that the African has with the Government, is the first instance aroused by those who come in close contact with him. That, I think, is the point where the hon. mover failed to get to the truth of the matter. Of course he did say, if not this morning,

then during the budget debate, that the people who were in the wrong were the senior members of the Government in the Secretariat. I do not agree with him on that point, because the African people come in contact not so much with the hon. Chief Native Commissioner or with the hon. Chief Secretary, or with the hon. Member for Finance; they come in daily contact with the officers in the field, and it is through the officers in the field that the African interprets the intention of the Government in the Secretariat. It is not through the members in the Secretariat, because he does not come in personal contact with them so much. The ordinary rank and file of Africans knows the Government as being the district commissioner and the members of departments in the district commissioner's office. Even the provincial commissioner does not come so prominently into contact with the African. If the district commissioner treats the African in a way that the African did not expect to be treated, the African says "The Government is bad", and they go in their huts and they have a drink, and they say "We have a very bad Government here". Therefore if you have first-class district commissioners in the districts, as you have in the majority of cases, you can then be sure of the restoration of confidence that has gone.

In order to support my case I have here an extract from a pamphlet that was written by our present Governor, Sir Philip Mitchell, when he was Governor of Uganda. He was writing to his officers, and he was trying to point out to the officers in the field that the best way of winning the confidence of the people was to get them to co-operate with you as officers of a foreign government. Being discourteous to them and treating them as if they were sub-human is not the way. This is what he said, if I may quote a part of it: "Exact obedience of this kind is always a negative thing; it can produce a sterile condition in which there is no disorder, but it cannot create nor give scope to those creative and productive social forces on which the progress of the communities depend. . . . There is neither place nor opportunity for dissent and opposition; the only choice is between acquiescence or agitation, subservience or sedition. . . . It is not only that the

[Mr. Mathu] Government has to be obeyed; it may have to be obeyed in the person of a hectoring or offensive official, and the irritation and ill-will caused in this way are probably far in excess of any that result from the policy or actions which the Government intends. . . . Any form of Government must necessarily produce in individual cases irritation and annoyance. . . . there is quite enough of this which is inevitable and inherent in the functioning of the Central Government, and there is no sense in adding unnecessarily to it."

That, I think, is the crux of the matter, that in this country the basis of harmonious relations between the Government and the African people is in the district commissioner, because he is the person who is actually the backbone. If one can put it that way, of the Administration. I have personally met first-class men doing the job in the way of every African admires. I have also met others who should not be in the field doing the work, because they are the type described in the quotation I have just given from the pamphlet by our present Governor when he was Governor of Uganda. But I am glad to say that I have met few of those.

Before I sit down, there is the matter of the Secretariat officials. I have come in contact with them personally more closely in the last three years than at any time in my life. They have impressed me as the most courteous members of Government that there are in this country, and that is where the shoe of the hon. mover went on the wrong foot.

Apart from that measure of difference, I should like to support this motion for the reasons I have given, and I feel it was not the intention of the hon. mover that it should be a censure on the Government. I do not regard it as such, but that it did give Government an opportunity to study the situation more closely and see whether they cannot go on and improve the situation as the hon. Chief Native Commissioner has definitely done during the last few years to my own personal knowledge.

I beg to support.

MAJOR JONES: Mr. President, I had not been my intention to make any remarks on this particular motion, because

I find a good deal of difficulty even in interpreting it as it stands, and rather more so by the interpretation laid on it by the hon. mover and the hon. seconder. One reads into it a motion of censure on the Government, and the seconder does not do so, but I should like to just make two or three remarks about the implications of the motion.

In my view, the hon. mover made a grave error when he implied lack of good faith on the part of senior members of the Government in dealing with the African population. My view is that the causes of dissatisfaction and misunderstanding between Government and the Africans are two-fold. One is the dreadful delays that occur in coming to decisions, and then implementing decisions. Whether that fault is part of every Government machine, or not, an inevitable part of it, I am not prepared to say, but there is no doubt that many of us who are not conversant with the ways of Government are continually surprised and depressed at the indefinite period of time that appears to lapse before a decision is made and action is taken on those decisions.

The second main reason, in my opinion, of misunderstanding between the Africans and the Administration is due to a certain illiness of mind of some of the junior officers in the districts, district commissioner sometimes, or an administrative officer, when dealing with a group of Africans, over a specific point that may arise. I feel that quite frequently those junior officials express opinions of their own which are interpreted by the Africans as being promises by Government, and I would impress on those high-level Government officials who have been arraigned by the hon. mover the extreme importance of making it as clear as possible to those junior officials that when giving expressions of their own opinions, or dealing in any way with the African, they cannot be too careful in making quite clear that the opinion is or is not a promise and that they cannot be too careful in seeing that the interpretation is correct. Often and often I myself have been at meetings between Africans and Government officials, and knowing—just enough vernacular myself—I was quite able to realize that the interpreter was given an impossible task,

[Major Joyce]

and either slurred over the interpretation or gave a completely incorrect one.

I think that in many cases those are the causes of the dissatisfaction and suspicion that exist.

I have nothing to add to these remarks, but I must say that I still feel myself in a somewhat difficult position in making a decision as to which way I am going to vote, until I hear the remarks of the hon. mover in reply to the debate. But I should just like to make one remark, that there appears to be a quite undue fear on the part of a number of people in this Council by discussions of this sort. If a discussion is going on in the reserves or among us or anywhere else which tends to give the impression that there is lack of good faith on the part of Government at high or low level, I cannot help feeling myself that it is very much better to have it out here when everybody has a chance of giving their opinions and answering any charges that are made. (Hear, hear.)

Mr. Vassy: Mr. President, I too, like the hon. Member for Ukamba, find myself in a little difficulty. The hon. Member for the Coast, with his knowledge of procedure, has drafted an apparently innocuous resolution. It is a statement of fact. "That this Council, believing that often agitation is a symptom and not a cause of general unrest—that is a statement of fact with which it is extremely difficult to argue. It goes on: "views with grave concern the political situation in many of the native areas today." That is something no hon. member of the Council can disagree with, so that in fact the resolution as it stands is very innocuous as an expression of opinion which every member of the Council must hold.

But the hon. Member for the Coast in his speech supporting this motion, then proceeded to an indictment of Government and Government's intentions, which made it extremely difficult for us to think that the resolution was as innocuous as it sounds. Even the hon. Member found himself in somewhat grave doubts about it, and I can imagine that if this goes to a division his "Yes" will be a more than quivering one, as his mind is exercised as to whether he

is voting for the motion or for the speech of the hon. mover. (Laughter.)

Of course there is unrest. The Administration is faced with very, very difficult problems most of which in my mind are economic, and it is the economic pressure underneath which is causing most of the unrest. And, of course, from that unrest there will arise political agitation, because political agitation has been proved in history as the means whereby unrest is voiced and, in some cases, the causes of unrest are cured. Had the hon. Member for the Coast attacked the policy of Government, I would have been prepared in many ways to join with him, because we on this side do not always agree with the policy of Government. Had he attacked the execution of that policy of course we could have agreed with him on many issues, and we view with grave concern the delay in the execution of the policy of Government from time to time. But when he attacks, as I believe, the integrity of Government as far as the African is concerned, under no circumstances can I support him (hear, hear), because in my opinion and from my own personal knowledge of the work, the hon. members on the other side of Council have, to my own knowledge, hampered and hindered the economic development of this country because they refused to break faith with the African.

I therefore suggest to the hon. member that either (a) he amends the resolution so that it clearly states what he indicated in his speech and we can vote on a clear issue, or, alternatively, exercise his right of reply and then withdraws his motion in order to save himself from what, I think, has been a somewhat severe hammering and almost knock-out blow by the hon. Chief Native Commissioner. (Hear, hear.)

Mr. Rankine: Mr. President, before I start I am authorized by my hon. colleague the Attorney General to reply to one point made by the hon. mover of the motion. He challenged my colleague, if I am correct in interpreting the challenge, to say that the proper course in Mombasa was the appointment of a tribunal. I am authorized to say that the appointment of a tribunal under the Defence Regulations is permissive, not mandatory, and that the object of appointing such a tribunal is to settle

[Mr. Rankine]

trade disputes, but that if it is desired that the inquiry should cover a wider field, as was the case in the Phillips Committee, the appointment of such a committee as was appointed is the more appropriate body.

Well, my hon. colleague the Chief Native Commissioner has, I think, dealt very effectively and comprehensively with all the points made by the hon. mover, but there are one or two general points that I should like to make in conclusion.

In the first place, I should like to congratulate the hon. member Mr. Mathu and the hon. Member for Nairobi North upon the speeches which they have made, and I can assure the hon. member Mr. Mathu that we all on this side of Council were greatly appreciative of his very kind remarks. No one better than I understands the extreme importance at the present time of race relationships, and we are very much encouraged in our efforts to improve those relationships to hear what the hon. African member has said. (Hear, hear.)

Various points have been made with regard to the desirability, or not, of bringing this motion at the present time, and while I agree with those who have said it is a good thing to thresh this out and that it has given a very good opportunity for Government to reply to a number of the allegations made against it, I am one who deprecates the fact that the motion was ever made at all. I do that not because I have any doubts as to the motives of the hon. mover in bringing it forward. I believe the hon. member was sincere in his desire to better things. I deplore it because of its effect, because I think that on the whole it is calculated to do a great deal more harm than good in the present circumstances. On the face of it, as the hon. Member for Nairobi North has said, the motion is innocuous enough. I would agree that agitation is often a symptom and not a cause. The Government certainly does not regard the situation in many native areas without concern. Who does? There have been riots and there have been murders, but in what part of the world to-day is the situation so stable that the Government can view it with equanimity?

But there is more in this motion than that. The hon. mover in his speech made it quite clear, at any rate to my mind, that it is intended as a motion of censure upon the Government, and that he did intend to bring into doubt the bona fides and integrity of Government in dealing with African problems. Government has been more criticized, that seems to me natural enough, for the executive officers in any concern, either business or Government, must stand up to be shot at, when things go wrong. In some cases the officers of Government have been shot at literally as well as metaphorically. It is easy to criticize, especially if you are one of those who have no executive responsibility. During the war we saw many armchair strategists among people who could have won the war in a month, or a day, if they had taken over command of the Army or the Navy. I do not know whether the hon. mover himself, if he had been the head of the Government, or in the Secretariat, could have done much better than the people he is criticizing. Perhaps he could.

If it is only human nature for people to think that they could do very much better than those in senior positions, or those in positions of authority, if they themselves at the job themselves, but those who criticize as times must do more than criticize. If the plans, or if the policies are defective, they must show where they can be remedied. Criticism must be healthy; it must be constructive, and it must be helpful. If it is merely bitter and destructive, then it becomes more in the nature of sabotage. It tends to put spokes in the wheels of honest endeavour, and it tends to discourage people in the field who are making the best effort to carry out difficult tasks in the best interests of all concerned.

As the present time the Government has a difficult task, but it is determined to shoulder its responsibilities to the best of its ability in the circumstances. That task is not easy, it is often not pleasant, but it is the duty of the Government to undertake it, and what is more, it is the duty of everybody, especially the educated members of the community and those who are able to direct public opinion, to support the Government in that task.

[Mr. Rankine] The hon. member in his motion has pointed out that agitation is often a symptom and not a cause, but he should not forget that agitation often is a cause. During the war again it was demonstrated to us that you have only got to repeat a lie often enough and it comes to be believed, and you have only got to suggest often enough that the Africans have not got confidence in the Government, and the Africans will begin to wonder what there is in this (hear, hear), and if they had confidence in the Government they may tend to lose it.

It is for that reason that I suggest that it would have been better if this motion had not been brought. I think that, not only from what the hon. mover himself has said, but from the interpretation that other members both on this side of Council and on the other have placed upon his words, it is perfectly clear that he does intend this motion to be a motion of censure upon the Government, and I must make it quite clear that the Government cannot accept the motion.

Sir, I beg to oppose it.

Mr. COOKE: Mr. President, it would appear that the greatest crime I have committed this morning is that I have failed to make myself clear. I said at the opening of my remarks that the object of this motion was not to make a blind attack on the Government. Whether that assertion is believed or not it does not matter—if I may employ an appropriate phrase of my hon. friend the Financial Secretary—two hoosts! Nor did I fail to impress on anybody in this Council, although they may not have heard me, that the object of this motion was to elicit from my hon. friend the Chief Native Commissioner—and I put that very clearly—the causes of the present suspicion, which he in his speech acknowledged exists, and I said that I was anxious that we should be able to restore in the Africans that confidence that they had in British rule. When the hon. Chief Native Commissioner got up he went even further than I would have gone myself. He acknowledged not only that there was lack of confidence in the administration of this country, but he said that there was unrest in many parts of the country. Well, I have not gone quite so far as to say that.

The object of this motion—whether my hon. friend the Member for Nairobi South believes it or not I do not think I care a great deal.—(HON. MEMBER: North)—North, sorry, I should care a great deal if the hon. Member for Nairobi South did not believe it—the object of this motion is to elicit information as to the causes for unrest and try to improve the situation. It is a fact, and it cannot be denied by anyone, that there is unrest and that there is to a smaller, or greater extent lack of confidence in the Government of this country, and it was my sincere desire to try to restore the confidence which used to exist in this country.

I am told I have not been particular enough. I think I made four very definite assertions. I gave four particular instances, and in at least two of those the hon. Chief Native Commissioner agreed with me—that is the handling of the Sudanese and the fact—(Mr. WYN HARRIS: Nonsense). Wait a moment. The gravamen of my charge was that these people had been told that they must clear out with a month's notice, and I said that that sort of thing made people lose confidence in the Government. He acknowledged that that was perfectly true and that he himself cancelled the notice. Incidentally, I do not know whether that is a statement of fact or not, because I thought it was the Chief Secretary who cancelled the notice. However, that is a small point.

He also acknowledged, as far as I can make out, that there had been lack of confidence among the Teita because of that unfortunate incident over their land. So these definite points were made by him, and I made it very clear—and again hon. members probably did not listen—that that was one of the many factors which in my opinion were the cause of unrest and lack of confidence in this country. The hon. member Mr. Maithu gave other factors. I could mention other factors, but I do not want to waste the time of Council whether rightly or wrongly I leave you to judge. The main factor was the fact that Government gives promises and those promises are not implemented. The hon. member Major Joyce rather referred to the fact that it was the junior officers.

Mr. TROUGHTON: On a point of order, is the hon. member in order in referring

[Mr. Troughton] to a member by name rather than by his constituency?

Mr. COOKE: The hon. Member for Ukamba—that is rather a cheap one, is it not?—I apologise. That is one of those cheap interruptions which show a guilty conscience on the other side! (Laughter.) The hon. Member for Ukamba (to whom I apologise again for referring to him by his name) rather put the blame on the junior officers for misleading the people. It has never been my custom throughout my life to attack people who cannot hit back, and some of them hit back pretty strongly. It is the people who are the head of affairs who are responsible, and, if junior officers give contrary orders, they should be removed.

The hon. seconder seems to have misunderstood me in my reference to the Secretariat. Of course I had no intention whatsoever of casting any reflection on their courtesy. I would gladly say that I think all the members of the Secretariat are most courteous and most patient, not only to Africans but to Europeans and Indians. In fact, I have gone out of my way on many occasions to say how courteous they are. But I do say that they have lost their grip of the situation, and I do say that if things go wrong as they have gone wrong in this country, the right way is not to abuse the junior members of the Administration, but to abuse those at the head of affairs.

MAJOR JOYCE: On a point of order, may I ask the hon. Member for the Coast if he is accusing me of abusing the junior officers?

Mr. COOKE: No, I make that clear. (Laughter.)

I want to make two points in connection with what I considered to be the speech of unbecoming placemeny, made by my hon. friend the Chief Native Commissioner. He got up and said he was not going to be rude, or words to that effect, but he was very rude in a subtle way. There is one thing I do not like about him, and that is his pugnacity. But I must refer back to his subtle rudeness, and I can assure my hon. friend that if he indulges in rudeness, there is, as Mr. Dick Swirell said in a pause in the thrashing, he gave "to the odious dwarf Mr. Quillp, 'There is a large and extensive assortment kept in this shop!"; and

he can always be assured of a Roland for his Oliver, because my hon. friend

The hon. member said that there was no serious trouble during the war, I never said there was. I think that is very much to the credit of the Africans. If the hon. member, who admittedly does do me the honour of reading my communications to the Press, will read my last communication to the Press he will see that I praised the extraordinarily loyal and extraordinarily good work done by the Administration, and commented on the loyalty of the African in the 'Kenya Weekly News' about three weeks ago. In fact, I made the point very plain, but my hon. friend is a very good debater and slides very successfully over the real points of the debate, and concentrates on something which is entirely outside what was said in this Council to-day. In fact, in spite of his denial, I am strongly suspicious that the hon. gentleman had made up his speech long before he came into this Council and, although he said he was not reading his speech, he was certainly referring to some very copious notes! (Laughter.) I must say I do not read my speeches. Perhaps that is the reason I am sometimes a bit indolent.

I am going now to deal with this lack of confidence. I think the hon. gentleman has missed the point completely. When I talked about the greatest indictment in connection with the treatment of the hon. gentleman received at Karatina, I meant the indictment is this. The hon. gentleman had been District Commissioner. If I may say so, a very good District Commissioner—of Nyeri and had the confidence of many Africans. He had been Labour Commissioner and was the Chief Native Commissioner, and in spite of the fact that he went to Karatina and gave his own personal assurance, and the assurance of Government, that the Government was not up to any hinky punky, the Africans of that part of the country refused to believe him. I say that if a man with 20 years' service in this country, representing the Government, and having risen to the highest heights to which he has risen, is not believed by the Africans, then I say that is a very great indictment. If not the greatest, indictment that there would possibly have been. However, that again remains a matter of opinion.

[Mr. Cooke]

The hon. gentleman said that there was unrest everywhere. Of course there is, but that is no reason for us to be complacent as I said in my opening speech. The hon. gentleman appealed to Caesar, and to Caesar he shall go. The hon. gentleman mentioned Uganda, and said there was unrest everywhere including Uganda. Here is the position in Uganda regarding one very important point which should be contrasted against the position in Machakos. This is from the speech of Mrs. Eliphth Huxley to the African Society: "Some 30,000 Buganda were being moved to a new area about 60 miles away which had been cleared of game to make room for them. The Government had done no clearing. . . . self help had been the keynote, and the migration had been supervised by the District Commissioner, the agricultural officer and the medical officer. It was a remarkable achievement and due in the main to years of steady and consistent propaganda known and trusted by the people". If the hon. Chief Native Commissioner can produce one instance of that kind for Kenya I will do my best—

Mr. WYN HARRIS: Might I ask what the hon. member is referring to? I was referring to unrest in Uganda, and the unrest was a general strike and the murder of Martin Luther, and it had nothing to do with agricultural problems.

Mr. COOKE: The hon. member mentioned unrest, and among other places mentioned Uganda. He mentioned the *askaris* who had gone to the Middle East and had come back disillusioned. That is all the more reason not to present them on a platter with more grievances but to be punctilious and fastidious in our treatment of the Africans. The Uganda matter cited by me shows faith in that country and not disillusionment.

I have already dealt with the Teita. Regarding the Sudanese, the hon. Financial Secretary, unlike myself, seems to be ignorant of the fact that the Sudanese within the last six weeks have presented another petition to His Excellency the Governor which reiterates their grievances. They are not satisfied, though I admit that from my point of view they should be satisfied, with the generous offer of the railway, but they are not at the moment, and speaking to

the District Commissioner this morning, he said that nothing had been done so far by the Railway in building houses.

My whole point regarding the Sudanese is that by giving people who have promised protection to, and my hon. friend the Attorney General I know has a great sense of justice and will not deny it; to give them a month's notice to pull down their houses is, to use an old expression of mine, an absolutely monstrous thing to do.

With regard to Mombasa, I do not know what people's ideas are about the Commission. I know the ruling of the hon. Attorney General's predecessor, which I have shown the hon. Attorney General, and that was that the Africans had every right to demand a tribunal. I have shown you that, and will show you it again. The fact of the matter is this, that whether a tribunal or a commission was from the legal point of view the correct thing to do, I assert that the Africans thought that this Commission was a tribunal and its findings mandatory. And I say that the people in the high places ought to make certain that the African understands what the position is.

As to the lecture given me by the hon. Chief Secretary, who is about half my age, I am intrigued by it when he tells me what my proper conduct should be! But I do not feel a bit penitent really, after that lecture! If the hon. gentleman who has been about five minutes in this country, or three weeks, thinks he knows more about the country than I do, I give him best.

This President: That is a personal remark which you should not make, and you ought not to make remarks of that kind.

Mr. COOKE: If I ought not to make it I withdraw it. But the hon. gentleman does himself make some remarks which he should withdraw as well, and I shall draw attention to them next time. He thinks the motion does more harm than good. That is a matter of opinion. I personally think, as one or two hon. members have said, that we should thresh these things out. The Africans do it in the vernacular. Press every day, and it is better they should know that in this assembly members are threshing matters out. We cannot hide the fact that the

[Mr. Cooke] Press feel like this, and it is better to be open.

I never expected a great deal of support for the motion. I know my hon. friends on this side, the European members, belong to an organization, and of course all vote together, so that I am not confident they will vote for me. But I am perfectly satisfied in my own mind that the matter has been threshed out sufficiently, and whether it goes to a division or not I do not mind. But I do say this, that if it has in any way awakened a glimmer in the minds of hon. gentlemen on the other side of Council that there is unrest, and that there is suspicion of Government, I am quite satisfied that I have achieved what I wanted to achieve.

The question was put and negatived by 26 votes to 2. 2 hon. members not voting: Ayes: Mr. Cooke, Mr. Mathu; Noes: Messrs. Blunt, Bower, Boyd, Carpenter, Major Cavendish-Bentley, Cockler, Dalton, Edye, Wyn Harris, Hope-Jones, Major Joyce, Major Keyser, Dr. MacLennan, Messrs. Mortimer, Mundy, Nicol, Ohang, Patrick, Pritam, Rankine, Robbins, Foster Sutton, Troughton, Vasey, Sir A. Vincent, Mr. Wright; Did not vote: Mr. Patel, Mr. Thakore.

BILLS

FIRST READING

On the motion of Mr. Foster Sutton, seconded by the Hon. Financial Secretary, the following Bills were read a first time: The European Officers' Pensions (Amendment) Bill, the Hide and Skin Trade (Control) Bill, the Rebate and Refund of Customs and Excise Duties Bill, the King's African Rifles (Amendment) Bill, and the Native Passes (Repeal) Bill, and notice given to move the subsequent readings later in the session.

ADJOURNMENT

Council rose at 1 p.m. and adjourned till 10 a.m. on Friday, 9th January, 1948.

Friday, 9th January, 1948

Council assembled in the Memorial Hall, Nairobi, on Friday, 9th January, 1948.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 8th January, 1948, were confirmed.

PAPERS LAID

The following paper was laid on the table:—

By MAJOR CAVENDISH-BENTLEY:

Fourth quarterly report of the African Land Utilization and Settlement Commissioner.

RELIEF FROM U.K. INCOME TAX

FOR EAST AFRICAN SERVICEMEN

SIR ALFRED VINCENT: Mr. President, I beg to move: "That this Council is unable to accept the explanations of His Majesty's Government in the United Kingdom regarding the imposition of income tax at United Kingdom rates on the emoluments of members of the Forces in the last Great War who were grouped under the two following categories: (a) officers on the Reserve who were recalled from unofficial occupations in East Africa; (b) normal residents of East Africa who by design or accident joined the Forces in the United Kingdom; and this Council most earnestly requests His Majesty's Government in the United Kingdom to amend the regulations and to remedy the present anomalous situation whereby there is inequitable and illogical discrimination between official and unofficial and between East Africans who were recruited locally and those who joined the Forces in the United Kingdom."

This matter has been already before this Council in the form of a question which I asked last year, and I regard it—and I am certain my colleagues regard it—as a matter of the very greatest importance. One is aware that when a war is on, especially at the commencement of a war, mistakes are so made. Wrong decisions are given and a certain amount of bungling ensues, but it is generally

[Sir A. Vincent] found most difficult once those decisions have been given—no matter how unjust they are—to get them put right. It is in that spirit that I am moving this motion to-day.

In order to refresh his members' memories, I will read the question and answer which was given me on 16th April last year and which appears in the Hansard of that date: "In view of the fact that officers who were on the reserve of a United Kingdom force at the outbreak of the 1939-45 war, and who were transferred, in East Africa, from their civilian status to active service, have been subjected to United Kingdom income tax unless they happened to be in Government employment at the time of recall, will Government make urgent representations to the United Kingdom Government for a revision of their decisions in order that settlers may receive the same favourable treatment as Government officials, and be subject to tax on service emoluments at East African rates only? Will Government state why United Kingdom tax has been imposed on East African personnel who happened to be in the United Kingdom at the outbreak of the 1939-45 war and who joined the Forces direct in the United Kingdom?"

The Government reply was as follows:—"Mr. Troughton: The answer to the first part of the question is in the affirmative.

As regards the second part of the question, the Government is not aware of the precise reasons actuating His Majesty's Government, but the matter is being taken up with the Secretary of State."

As promised in the latter part of the answer to that question, I have received a letter which purports to be a satisfactory reply giving us the information which we desire. However, I feel that the reply is extremely unsatisfactory and that it would be a waste of time engaging in further ordinary correspondence, and that is why I am talking in this Council this morning. This is the letter I have received from the Secretariat:—"I am directed to refer to Legislative Council Question No. 8/47 and to my reply thereto and to state that the Government has made urgent representations to His Majesty's Government with regard to both matters raised by you. A reply has

now been received from the Secretary of State, stating that he has been informed by the Board of Inland Revenue to the effect that in the case of officers on the reserve of the United Kingdom Force at the outbreak of the war, who were transferred in East Africa from their civilian status to active service, it is not considered by the Board that there are any grounds for an extension to unofficials of the concession made to members of Colonial Forces and to persons in Colonial Government employment."

I will deal with this paragraph first.

I regard it as an empty reply, a reply on so grave a matter which is quite inadequate. These worthy gentlemen, the Board of Inland Revenue, have just given it as their opinion. They may lack a sense of humour, but surely they should have some sense of justice, and they give no reason for this opinion! What is most worrying is that the Secretary of State for the Colonies, for whom we all have a great regard and whom we all believe has a great sense of justice, seems, by the tone of the correspondence, to have to accept the opinion of the Board of Inland Revenue, and this answer is merely that officials should get the concessions and unofficials should not. I consider that it is a most grave injustice.

The second paragraph of the letter states as follows:—"With regard to the second part of your question, the Secretary of State has replied that the Board of Inland Revenue has intimated that it was made clear at the beginning of the war that the service pay of persons joining the British Forces in the United Kingdom would be liable to United Kingdom income tax, in the ordinary way, and that it was decided that no special treatment could be afforded to individuals from the Colonies who enlisted in the United Kingdom. I am to enclose a copy of an extract from the official report of proceedings in the House of Commons which shows that His Majesty's Government is unable to see its way to modify its policy in this matter."

Enclosed in that letter is a little picture of the way democracy should not work. After all, we believe, and still believe in spite of the mistake made therein, that the House of Commons, the Mother of Parliaments, should and always does do

[Sir A. Vincent] its utmost to be just, but when party politics enter in it seems to me that an important matter like this can be dealt with in a very light and very unsatisfactory way. It is a very short extract, but I believe members will be rather shocked at the "play" that goes on in party politics over such a very serious matter as this, which affects great numbers of men, and I would say that it affects them according to their rank, from, I understand, a sum of about £200 to £500.

In the House of Commons on Tuesday, 11th December, 1945, as recorded in an extract from Parliamentary Debates (Hansard), a question was asked regarding Colonial R.A.F. Personnel (Income Tax). Mr. Driberg, who is the Labour Member for Maldon and a member of the present Government, asked the Chancellor of the Exchequer "If he is aware that R.A.F. personnel who were recruited in the Colonies pay income tax to an amount not exceeding the tax which would be chargeable in their own countries, but that R.A.F. personnel from the Colonies who were recruited in this country—that is Great Britain—"pay" income tax at full United Kingdom rates; that this discrimination operates harshly against those who volunteered for service early in the war and paid their own fares to this country in order to join up; and if he will take steps to alleviate this hardship."

Mr. Glenvil Hall, whom many of us had the pleasure of meeting when he visited us two or three years ago, and who is now Financial Secretary of the Treasury and Labour Member for Colne Valley, replied: "My right hon. friend regrets that he cannot extend the concession to which my hon. friend refers." Mr. Driberg: "Can my hon. friend say why not?" Mr. Hall: "Members of the Forces who come here from abroad are exempt from tax on the income that comes to them from the locality where they normally reside, but they have to suffer, as do other members of the Forces here, income tax deduction on pay which they receive from the British Government." Then Mr. Oliver Stanley, Conservative Member for Bristol, broke in: "Will the hon. gentleman give an answer? It is very hard on some of these

Colonial personnel who made very great sacrifices to come over here." Mr. Hall replied: "That has been going on for six years; and up to July we had a Chancellor of the Exchequer who did not belong to the Labour Party. I think that it is rather late in the day to put this question now that the war is over."

A case of "Because you did not do it, we will not do it!" no matter who suffers. But obviously there are members on both sides of both Houses of Parliament who feel, and very rightly feel, that a very grave injustice has been done, and I consider that the light and airy way in which such a very serious matter has been treated is hardly in accord with the reputation and the tradition of the House of Commons.

I know that there is no need for me to try and say any more to convince Council that what I am asking for is only fair and just, and I submit that settlers recalled from their civilian occupations in this country as reserve officers must be accorded the same tax concessions as those members of the community in Government employment, who were also recalled as reserve officers, and that East African personnel who joined that service direct in the United Kingdom should not be placed at any disadvantage compared to those who joined the Forces in East Africa. It may well be that in making this, submission people may feel, I am trying to make invidious comparisons between the treatment of officials and unofficials in this matter. Nothing is further from my mind, and I am certain that members on the other side of Council, if they be allowed to vote freely on this motion—and it may be they will not be allowed to, because it is a matter of expressing an opinion on a decision of the British Government—will in their heart of hearts know that this matter should be put right, and that we should not be parties to the perpetuation of a mistake and such very unfortunate discrimination between members of the official and the unofficial community in this country.

I beg to move.

Major Joyce: "Mr. President, I have pleasure in seconding this resolution."

I have nothing whatever to add in the admirable case made out in its favour by the hon. mover, and I should only

[Major Joyce] like to remind all members of this Council that a resolution in this sense, or an approach to the present Government in this sense, has the support of a late Secretary of State for the Colonies. I hope very much that it will be possible to get a unanimous vote in support.

MR. THOUSSIGNON: Mr. President, as the hon. mover of this motion pointed out, it constitutes a criticism of two decisions taken by His Majesty's Government. For that reason it is not possible for this Government, as a Government, to vote on the motion; but I should like to say this, that we are in full sympathy with the objects of the motion, we are in full sympathy with the views expressed in the motion, and we propose that the Hansard of this debate should be forwarded to His Majesty's Government in the United Kingdom and should be reinforced by strong representations from this Government (Applause).

Although this Government, as a Government, is not free to vote and does not feel it can properly vote on this motion, official members are free to vote in accordance with their conscience (applause), and I for one, sir, support the motion.

MR. EDYS: Mr. President, I am sure I am voicing the views of all members on this side of Council when I say that I much appreciate what has just been said, and I should like to ask the hon. Financial Secretary if, when sending this copy of Hansard home, he would also draw the attention of His Majesty's Government to the fact that those of us who did pay British income tax, as being on the Army reserve of officers during the war, were guaranteed, or told, that a certain proportion was being taken off that money paid in income tax and retained as forced savings, to be returned to the men concerned at the end of the war. Up to date I do not think any of us have even had the certificate, let alone the return of the so-called savings. Perhaps you would take note of that?

SIR ALFRED VINCENT: Mr. President, I have very little to say. I greatly appreciate the attitude which has been taken by Government and the speech made by the hon. Financial Secretary. There is one point, however, that I do wish to make which I omitted to make just now in an

attempt to be brief. It is that when a war starts, in the hiatus and the hectic joining up, I wonder if people are serious in suggesting that people were told at the time they had to pay British income tax, in case they wanted to take ship back to Kenya, or anywhere else, to join up locally.

There is another point, and that is, that I know a great many of these matters do not reach the personal attention of the Secretary of State, and I do hope that the Chief Secretary, in sending this Hansard to the Colonial Office, will make a special point that we most earnestly desire the Secretary of State, who we consider is there to safeguard and to help the colonial peoples, should have this matter brought to his personal attention and should deal with it personally.

The question was put and carried by 31 votes to nil: Ayes—Messrs Blunt, Bowyer, Boyd, Carpenter, Major Cavendish-Bentline, Messrs. Cocker, Cooke, Dalton, Edye, Wynn Harris, Hope-Jones, Major Joyce, Major Keyser, Mr. Mathu, Dr. MacLennan, Messrs. Mortimer, Mundy, Nicol, Ohanga, Patel, Patrick, Pritam, Rankine, Robbins, Foster Sutton, Thakore, Troughton, Vasey, Sir A. Vincent, Mr. Wright, Mr. Home, Noes—Nil.

STANDING RULES AND ORDERS SUSPENDED

MR. NICOL moved: That Standing Rules and Orders be suspended to enable him to move the motion standing in his name on the Order paper in lieu of the motion of which he had given notice on 25th November, 1947.

SIR ALFRED VINCENT seconded.

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

EUROPEAN HOSPITAL FACILITIES AT MOMBASA

MR. NICOL: Mr. President, I beg to move: This Council requests a statement from the Hospital Authority as to how they propose to provide the European community in Mombasa with adequate hospital facilities.

I have brought this motion for three reasons. The first is to enable me to

[Mr. Nicol] criticise the omissions of the Government in the past in regard to hospital accommodation in Mombasa. Secondly, to give the Hospital Authority an opportunity of stating their position. Thirdly, to ventilate the grievances of Mombasa Europeans at the lack of hospital facilities and their very strong objection to paying the hospital tax for which they are virtually getting nothing at all.

First of all, the European hospital in Mombasa is a 12-bed hospital, accommodating nine males and three females. I think I am correct in saying that it is the same sized hospital as it was 20 years ago when the hon. Director of Medical Services was the senior medical officer in Mombasa, and I think I am correct in saying that about 20 years ago, that building was condemned, for I recall that during the budget debate the hon. Director said he remembered: then the Director of Medical Services coming to Mombasa with plans for a new hospital. Well, if that hospital was sufficient for the population 20 years ago, as we know populations grow and grow, what about the position in 1939, let alone in 1948? In 1939 there were very strong complaints and criticisms at the lack of hospital facilities in Mombasa. During the war we all realized the very great difficulties of building and things like that, and the public more or less kept quiet, but I want to point out that the European population of Mombasa has grown very considerably since the war, and also that the hospital not only has to provide facilities for local residents but also to deal with quite a considerable proportion of the merchant navy personnel.

The public know very well that the late Mr. Samuel Cohen made a bequest to Government of some £26,000 for the purpose of putting up either additional accommodation, or anyway it was a contribution towards a new hospital building in Mombasa for the European community. I think that bequest was made about 25 years ago, but anyway it was a long time ago. I should like to know why our Government did not do something about utilizing that money before today? I understand that the Hospital Authority, with regard to the extension to the European hospital which is envisaged, and which they hope will be started I

believe about the end of next month, are utilizing some of those funds, but we have got to thank the Hospital Authority for doing what was really Government's job.

We have also got to thank the Hospital Authority for making arrangements for the military to take certain male patients into the Bustoo Hospital, and I should like to take this opportunity expressing our grateful thanks and appreciation to the military authorities for coming to the aid of the civil population (Hear, hear). We have also to thank the Hospital Authority for going ahead and getting out plans for the extension to the European hospital. The plans have been drawn, I understand, by Mrs. Hughes, the well known architect, and I understand that they are making for quantities and things like that.

Even so, there has been considerable delay, and a point I want to make also is that Mr. Cohen's money to-day is worth about half what it was worth at the time the bequest was made or, indeed, between the years 1926 and 1939.

The European hospital in Mombasa has always refused to take maternity cases, and for that reason a nursing home was started some years ago in Mombasa. Unfortunately, that nursing home has had to close down, due to staff difficulties and also to lack of funds. In any case, I think the hon. Director of Medical Services will agree that, in fact, the nursing home was something of an uneconomic unit in that there were insufficient beds to make it worth while to employ a matron and two trained sisters. It was impossible to run the hospital with a matron and one trained sister, for it is quite obvious that the question of time 'out' seems, but the minimum to run it was three, and trained sisters as members know are extraordinarily difficult to get.

I would interpose here, in case it should be said that Mombasa should help itself in the same way as the adjoining districts have, Nakuru particularly, to point out that the two towns are really not comparable, in that the majority of the population in Mombasa are Government and Railway and commercial, being only a real native population being only municipal people. Everybody else can be looked on as really foreign population apart from the executive of Government

[Major Joyce] attempt to be brief. It is that when a war starts in the future and the hectic joining up, I wonder if people are serious in suggesting that people were told at the time they had to pay British income tax, in case they wanted to take ship back to Kenya, or anywhere else, to join up locally.

MR. TROUGHTON: Mr. President, as the hon. mover of this motion pointed out, it constitutes a criticism of two decisions taken by His Majesty's Government. For that reason it is not possible for this Government, as a Government, to vote on the motion; but I should like to say that, that we are in full sympathy with the objects of the motion, we are in full sympathy with the views expressed in the motion, and we propose that the Hansard of this debate should be forwarded to His Majesty's Government in the United Kingdom and should be reinforced by strong representations from this Government. (Applause.)

Although this Government, as a Government, is not free to vote and does not feel it can properly vote on this motion, official members are free to vote in accordance with their conscience (applause), and I for one, sir, support the motion.

MR. EYRE: Mr. President, I am sure I am voicing the views of all members on this side of Council when I say that I much appreciate what has just been said, and I should like to ask the hon. Financial Secretary if, when sending this copy of Hansard home, he would also draw the attention of His Majesty's Government to the fact that those of us who did pay British income tax, as being on the Army reserve of officers during the war, were guaranteed, or told, that a certain proportion was being taken off that money paid in income tax and retained as forced savings, to be returned to the men concerned at the end of the war. Up to date I do not think any of us have even had the certificate, let alone the return of the so-called savings. Perhaps you would take note of that?

SIR ALFRED VINCENT: Mr. President, I have very little to say. I greatly appreciate the attitude which has been taken by Government and the speech made by the hon. Financial Secretary. There is one point, however, that I do wish to make which I omitted to make just now in an

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The question was put and carried by 31 votes to nil: Ayes—Messrs Blunt, Bouwer, Boyd, Carpenter, Major Cavendish-Bentinck, Messrs Cocker, Cooke, Dalton, Edey, Wyn Harris, Hope-Jones, Major Joyce, Major Keyser, Mr. Mathis, Dr. MacLennan, Messrs Mortimer, Mundy, Nicol, Ohanga, Patel, Patrick, Prilam, Rankine, Robbins, Foster, Sulton, Thakore, Troughton, Vasey, Sir A. Vincent, Mr. Wright, Mr. Horne. Noes—Nil.

STANDING RULES AND ORDERS. SUSPENDED

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[Mr. Nicol] believe about the end of next month, are utilizing some of these funds, but we have got to thank the Hospital Authority for doing what was really Government's job.

We have also got to thank the Hospital Authority for making arrangements for the military to take certain male patients into the Duxton Hospital, and I should like to take this opportunity expressing our grateful thanks and appreciation to the military authorities for coming to the aid of the civil population. (Heat: hear.) We have also to thank the Hospital Authority for going ahead and getting out plans for the extension to the European hospital. The plans have been drawn, I understand; by Mrs. Hughes, the well known architect, and I understand that they are waiting for quantities and things like that.

Even so, there has been considerable delay, and a point I want to make also is that Mr. Cohen's money to-day is worth about half what it was worth at the time the bequest was made or, indeed, between the years 1926 and 1939.

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I should interpose here, in case it would be said that Mombasa should help itself in the same way as the up-country districts have, Nakuru particularly, to point out that the two towns are really not comparable, in that the majority of the population in Mombasa are Government and Railway and are commercial, being only real static population—being municipal people. Everybody else can be looked on as really floating population, apart from the executives of commercial

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[Mr. Nicol] house. Speaking generally, the population, apart from these executives and the municipal people, changes about 95 per cent in every three years, so that there is not the same sort of incentive to put up their own hospital in the same way that there is in a settled area such as Nakuru.

The fact of the matter is that in the past there is no doubt about it that Government have woefully neglected the European needs for hospital accommodation at Mombasa, and that is to say nothing of the condemned and disgraceful building which houses the native hospital in that town. That, however, has really nothing to do with our Hospital Authority. I assume that when the Hospital Authority took over, they really had the buck passed to them. I suppose that one might say that Kenya can be divided into three eras of passing: The first era was, of course, the passing of the slave trade; the second era will probably come about at the time of the next Council when we shall see the passing of the official majority. But the third era, in which we have been for years and are in to-day and will be forever, I suppose, is the passing of the buck! (Laughter.)

I suggest that when the Authority took over, they should have said: "Look here, just a minute, let us examine our task very carefully before we rush into this project. Let us see what actual facilities we have got. Can we really give value for money? Well, it is working in effect on the lines envisaged in the Mundy formula of Sh. 5 per day practically. I quite agree that the scheme of hospitalization was brought in in response to the public demand. In fact, I was instructed by Mombasa to accept it. I must say that I advised them not to, and if you refer to the original debate I said then that it was virtually the imposition of a new form of income tax and was a highly dangerous principle.

But, despite this, I do suggest that the public have been willfully misled, particularly in Mombasa. They considered that by paying their contribution to the Hospital Authority on the income basis, they would, when they went to hospital, only have to pay Sh. 5 a day and that they would get for that Sh. 5 a day in a Government hospital the same treatment as they were receiving at the time when

they went in for Sh. 24 a day, namely, drugs, dressings, medical attention, and "what-have-we". There was never any suggestion at the time the scheme was introduced that drugs, dressings and the like would have to be paid for. The fact that it was the Hospital Authority which discovered that these things were happening is no excuse for the Hospital Authority bumping up the costs to the public without prior permission.

To-day, under the Authority's directive to meet these charges, it is possible that a patient's bill will be considerably in excess of Sh. 24. I have here the case of a certain individual. This particular individual was hospitalized for a disease which requires a large number of laboratory tests and very special drugs. She pays Sh. 5 a day for hospitalization under the Hospital Authority. She then has to pay Sh. 30 for blood counts, because this has to be done daily to check the progress of the treatment, and the special drug necessary for it costs not less than Sh. 15 a day. She has been desperately ill and the doctor has had to call two or three times daily, which would be another Sh. 10 a day, perhaps more. Then she has to pay for dressings, sleeping draughts and other drugs, which probably add another Sh. 5. All that amounts to Sh. 70 a day.

I suggest that, anyway, Mombasa has certainly been misled in regard to the acceptance of this hospitalization scheme. Of course, it only applies in Mombasa to those who manage to get into the hospital. Great numbers cannot even get in, and I have here two or three cases only to show you how serious the position is. In October—November a lady was recuperating in Mombasa from a very serious illness. She developed acute tonsillitis, but could not get into the hospital and had to be treated in a holiday resort hotel off the Island. Another lady in November, aged over 80, was suffering from acute bacillary dysentery, and had to be treated in a hotel. That particular case I happen to know, because the doctor who looked after the lady was considerably perturbed. Another lady in November was taken ill with malaria while on holiday, and the husband was ill at the same time with dysentery, and this particular lady was unable to get into the hospital. For a short time she was in a friend's house,

[Mr. Nicol] and then had to be moved to an hotel because the friend's accommodation was no longer available. Here is another one. Husband and wife were simultaneously ill with malaria and had to be treated in their own home. Another case of acute shingles was treated in an hotel. They are a few of the cases. There was another serious one where the doctor was not possible to diagnose the case. This was during last month. The lady's temperature was 101, and she was very ill for some time, and has had to be treated in the Mombasa Club.

I am merely showing that there is a serious shortage of hospital accommodation. I think it is obvious to anybody really, that when this scheme was broadly cast that you were to pay your hospital contribution on an income tax basis, and if you went to hospital you were to pay Sh. 5 a day, it was obvious that there would be an increased demand for hospital accommodation, it was obvious that people would take advantage of the facility and also, of course, would take advantage of making certain that they would get some value for the contribution they made. In fact, it is very desirable that they should do that, for it is far better for people to be treated under proper conditions than that they should be treated in their own homes. I suggest, therefore, that if the hospital accommodation was insufficient before the introduction of this particular scheme, it was certainly to be expected—and indeed has been proved—that under the prevailing conditions it would be hopelessly inadequate.

I suggest, therefore, that the Hospital Authority made an error of judgment, or else they were forced to take over knowing full well the shortcomings of Government in the past. I am going to ask the hon. Member for Health and the Local Government, the chairman of the Hospital Authority, and therefore its mouthpiece: I suppose, what is the financial position, first of all as regards our own hospitals, and secondly, what is the position in regard to providing additional accommodation? And what I want to know is, what are his proposals for providing funds for this additional accommodation? because if there is any suggestion that Government or anybody is going to turn round to the Hospital

Authority and say "The provision of hospitals is your affair", and they turn round and say they have got to get more funds and get it on an income tax basis, there will be a big outcry, take it from me!

I hope that if any other members have complaints in regard to the provision of hospital accommodation in their areas, they will voice them, but I am dealing in the main with the situation as it is in Mombasa.

There was a recent suggestion by the Chamber of Commerce that Government House as a temporary expedient, should be taken over and utilized as a hospital. In 1939 I do know that the question of utilizing Government House as a hospital was examined. I think by the military authorities, and indeed the civil authorities as well, and it was found that the building was entirely unsuitable for that purpose. I want to make it quite clear that the Chamber of Commerce are not putting forward this suggestion with any attempt or intention of disrespect to His Excellency—it is because the situation is really so serious in Mombasa at the present moment that the lack of very accommodation is causing very serious concern. If by any chance it were possible as a temporary measure to turn that building over as a nurses' hostel and thus free the existing nurses' hostel which is adjacent to the main building of the hospital, it would, I understand, provide eleven more beds, which would be of enormous help. It would, of course, have to be understood that it was entirely a temporary expedient until the new wing of the hospital was built.

I do support the suggestion with all sincerity. In view of the very serious state of affairs as regards hospital accommodation in Mombasa—that if Government House could be so used it would be of enormous help, and would be gratefully appreciated by the people of Mombasa.

I think I have covered the three points I set out to cover, and I just want to end on this note, that the general feeling in Mombasa to-day is "What do we get for our hospital tax?" and the answer is "Very, very little, if anything at all."

Mr. COOK: Mr. President, in seconding the motion I should like to

[Mr. Cooke] associate myself with everything said by the hon. member for Mombasa. I should especially like to support his suggestion regarding Government House. I think it would be a nice gesture on His Excellency's part if he lent it for a period. Actually, I made that suggestion in this Council two years ago. The fact that it was not considered suitable for a hospital at the beginning of the war might be so, but from the cases mentioned by the hon. member who had to go to private hotels while being treated it seems to me that Government House would be admirably suitable for them although they are not completely suitable for a hospital.

MA. EDOY: Mr. President, I should just like to ask if the hon. Member for Health, in replying to the various points raised by the hon. Member for Mombasa, would also give some indication of what is going to happen regarding the hospital at Kitumu.

MR. TROUGHTON: On a point of order—

THE PRESIDENT: That is hardly relevant to the motion.

MA. EDOY: Then I shall have to move a separate motion. (Laughter.)

MR. MONTIMER: Mr. President, as chairman of the Hospital Authority it falls to me to furnish the information for which the motion asks.

The Hospital Authority recognizes full well that the hospital accommodation at Mombasa is unsatisfactory and inadequate. It has been so for many years. It is no good indulging in recriminations on the Government for its failure to do certain things that most people think it ought to have done years ago—that time has long gone past, and we are in a different period. It is true that the hospital at Mombasa has not proper sanitary accommodation, it is inconvenient, it is badly arranged. It was agreed many years ago that for Mombasa there would be a large group hospital. Plans were got out for that purpose. Much discussion took place on the siting of that hospital, and the provision to be made in the plans. That discussion was proceeding right up to the outbreak of the war. During the war, of course, it was impossible to do anything.

After the war we entered upon this new hospital scheme whereby the responsibility was taken from Government shoulders on to those of the Hospital Authority. The Hospital Authority has taken over a somewhat heavy burden which it is endeavouring to carry to the best of its ability, and in doing so it would ask for the support and good wishes and encouragement of every hon. member and of their constituents.

Now, sir, it is recognized that there is a shortage of accommodation, but it is very easy to exaggerate that shortage. The hon. member has cited a number of cases—those are spread over a considerable period—(MR. NICOL: One month.) I am right in saying that there was no real evidence of shortage of accommodation up to the end of 1946. I have carefully examined the patient day records, and I have found that very rarely during 1946 was the hospital full, only on about two occasions, and the rest of the time it was perhaps half to two thirds occupied.

It is clear now, however, that there is a greater demand for hospital treatment than can be met with existing facilities. There are two or three reasons for that. One is, of course, as the hon. mover has pointed out, that with the advent of the hospital services scheme, and cheaper hospital facilities, there would be a greater demand upon accommodation and that more people would wish to go into hospital than had hitherto done so. There has also been a population increase in Mombasa for which the present accommodation is unable to cater. The period of the last few months has been somewhat exceptional also in the sickness rate in Mombasa and the demands on hospital accommodation. The present accommodation consists of the hospital itself, with a limit of twelve beds, and the nursing home, with an outside limit of five and normal accommodation of four.

The hon. mover referred to a number of cases, and he spoke about vast numbers who were unable to get into hospital and who had to be treated in their homes. I would remind the hon. member that there is in the hospital service scheme provision for giving relief where nursing services have to be used outside the hospital. The Hospital Authority, where the application is

[Mr. Montimer] not yet been made, and accompanied by a doctor's certificate, will pay up to Sh. 15 a day for qualified nursing services that have to be used in the home of a patient when hospital accommodation is not available. There has not been one single application from Mombasa for any refund of that amount.

The hon. member referred also to the increased charges that have been imposed recently for drugs and dressings and laboratory fees, and he cited one very exceptional case as evidence of his claims. Well, a good deal of the Sh. 70 which he piled up in the list of daily expenses has, of course, nothing to do with the Hospital Authority, and consists of medical fees. It would perhaps interest the hon. member to know that I have it on the authority of the patient's medical adviser that not one single penny has been charged for laboratory fees in that particular case, and the fees which he piled up at the rate of Sh. 30 a day for several days have not, in fact, been charged. So that will relieve the hon. member's mind on the score of one of his constituents at any rate. (MR. NICOL: I am glad there is some generosity!)

I am not going to answer in detail the point about the drugs and dressings charges, as that was done in a previous debate very fully. I will devote myself for a few minutes now to the real point of the motion, and that is the question as to what the Hospital Authority is doing to provide better and more accommodation.

First of all, the Hospital Authority found out what the present situation was. It discovered also that there was the Samuel Cohen bequest, which was not made twenty-five years ago but only just a little before the war. I believe I am right in saying, but which now with interest amounts to £26,000 or thereabouts. The Hospital Authority laid claim to that fund and has obtained control over it. The first thing we set about doing was to get plans out for a hospital extension somewhere near the site of the present hospital, so that the two could be worked in conjunction. There has been delay, it is true. There is always delay when you start on any building project. There was delay in getting an architect, delay in getting the architect on to preparing the plans (the

plans took a very long time to prepare), and then when the plans had been got out there were tenders to be called for and all the rest of it. We got a local committee going to advise on what the requirements would be. They prepared a very good report and useful basic plans. An architect was appointed and detailed plans have been got out. I am told by the architect that the final drawings are now practically ready for the hospital itself, but the plans for the new nursing accommodation are not yet ready. The architect is concentrating on the hospital plans. A provisional estimate of the costs indicates that the whole project will cost something like 50 per cent more than the money now available. The Hospital Authority is proceeding with the project, knowing that the money has got to be provided from somewhere, and I will tell you in a few moments what the Hospital Authority's proposals are for that provision.

The new hospital when it is ready will have accommodation for about thirteen patients, so that when we get the new hospital going together with the old one, we shall have accommodation for twenty in normal circumstances, with a maximum of twenty-five, as against a maximum of seventeen at present. Those plans, as I have said, are now practically ready. We hope to be ready to call for tenders by the middle of February, and we hope to be able to start the building project by the beginning of March. I am told by the architect that in present circumstances we should allow at least a year for the completion of the building. That means that not until March, 1949, will the hospital accommodation be ready. The Authority felt that something more was needed in the meantime to tide over the interim period, and these are the various schemes that have been put into effect.

First of all, the military authorities generously co-operated in providing beds for male patients in the Sussex Hospital. We have got a few beds which have been placed for temporary use on the grounds of the hospital in order to provide for extra patients when necessary. We are endeavouring, and have secured Government approval, to take over a house near the nursing home (if a suitable exchange can be arranged) in order to accommodate the nurses

[Mr. Mortimer] outside the nursing home, thereby setting free three more beds in the nursing home itself. That will give some little relief.

The best line of relief has been followed up with regard to the utilization of Government House. I have been discussing this matter with the local authorities at Mombasa for some little time, and as soon as I had a definite project to place before His Excellency I put it before him, and he very readily indeed concurred with the proposal that was submitted. (Applause.) The hon. mover has said that Government House, Mombasa, is unsuitable for use as a hospital. The project we put forward was, I think, a better one, and that is that it should be used for the accommodation of the nurses at present accommodated in a house near the hospital. That would set accommodation at liberty for eleven patients in the nurses' home.

His Excellency has agreed to that project, but it should be remembered that Government House is not the property of any individual Governor, but it is the property of the Colony, and it is used not only for housing the Governor himself, but also any distinguished visitors, and strictly speaking no individual Governor has the right to dispose of it, at any rate without consultation with this Council. His Excellency is, however, quite sure that the temporary use of a portion of Government House for this purpose will have the cordial approval of all members. The scheme will not be brought to a finality until His Excellency goes down to the Coast towards the end of this month, when it will be discussed with him down there and definite arrangements made, so that the new accommodation will be available from the beginning of February, if all goes well. That will meet all the needs of Mombasa, the Hospital Authority feels sure, until the new accommodation is ready.

Another thing that has been done for Mombasa is, with the approval of European elected members, to place on the Hospital Authority membership a representative of the Coast.

The hon. mover inquired what financial provisions were being made for

the extension to the hospital. That will be the subject of discussion at an early date. I trust, when an application will come before this Council for approval for the Hospital Authority to raise a large loan which will cover various projects for extensions, not only extra amounts required for Mombasa, but also funds required for Kisumu and other places.

To complete the picture for Mombasa, the Hospital Authority has established a local management committee which will be given the responsibility of running the hospital and ultimately taking over complete control, but in the meantime it is co-operating with the Director of Medical Services and the local staff in the running of the hospital. I trust hon. members will believe that the hospital Authority, faced as it is with a difficult task, is doing its very best to provide the most efficient and economic hospital service that can be provided for the money available. It has growing pains, it is true, and it will have some difficulty in getting all its plans into operation, but I assure hon. members that the Authority is doing its best. (Hear, hear.)

MR. NICOLL. Mr. President, I would first of all like to thank the hon. Member for Health and Local Government and Chairman of the Hospital Authority for his remarks and for the information which he has given to us. I am very glad indeed that he recognizes that the existing hospital accommodation in Mombasa is both unsatisfactory and inadequate and, though he said that little good could come of recriminations, I do think that in this particular instance recrimination has not been a bad thing.

There was one correction I should like to make to a remark of his that the cases I cited had taken place over a long period of time. I think I made it quite clear that I was referring to the month of November, which was only one month in the twelve.

In regard to his comparison as between the hospital population of 1946 and to-day, I would draw his attention to the fact that in 1946 the post-war influx of new personnel, new employees and that sort of thing had not started to arrive, and that of course has led to added pressure on the existing inadequate hospital accommodation.

[Mr. Nicoll] The hon. member drew attention to the fact that the Hospital Authority were prepared, on the certificate of a doctor, to make a reimbursement of Sh. 15 per day for the employment of qualified nurses in patients' own homes. That is all very well. It sounds very nice, and it may be all right in the township of Nairobi, but in Mombasa they have got to draw on Nairobi for such trained personnel, the cost of which, to get them down and get them back to Nairobi, pay for their daily wage, feed them, house them and everything else, is such that Sh. 15 a day does not cover it. It is impossible. Therefore it is not a very good point to say that it is inadequately utilized.

I am rather horrified to hear that this new building is going to take a year to construct before it is going to be available for use. This is sad news indeed, but I am extremely grateful to learn from the hon. member that His Excellency the Governor is in full sympathy with the people of Mombasa and has very generously agreed to go into this matter of placing a portion of Government House at the disposal of the nurses, and to go into the matter when he is down there next week. I am sure we are very very grateful indeed to His Excellency, and I do very much appreciate his sympathetic consideration of that suggestion.

I fully realize that the Hospital Authority have got a most difficult task and I am sure it is a task that we fully appreciate carries with it very grave responsibilities, and I am sure we wish the Hospital Authority well; but we have got to see that we get value for money.

With regard to this loan which is coming forward for the building of other hospitals, we will have to discuss that when the time comes, but there is a suggestion I should like to make, and that is that due to the dilatoriness and tardiness of the Government in the past in not making use of the Samuel Cohen bequest, in view of the fact that to-day the value of the Samuel Cohen bequest is half what it was at the time it was made. I suggest that Government is morally bound to advance a further 50 per cent of that loan when the time comes to build a proper hospital in Mombasa. I understand that a new building is going to cost somewhere between £80,000 and £50,000. The Samuel

Cohen bequest is now £26,000. If Government made up the difference I do not think we should necessarily include the Mombasa hospital in the loan proposal. I think it is only fair that Government should make that additional contribution in view of the fact that they have not dealt properly with the Mombasa hospital in the past.

That is really all I have to say and, in the light of the debate, and with the permission of my recorder, I propose to withdraw the motion.

The motion was by leave of Council withdrawn.

FREEDOM OF ASSEMBLY REMOVAL OF RESTRICTIONS

MR. MATHU. Mr. President, I beg to move: That this Council is of the opinion that Government should clearly state its policy with regard to public assembly, particularly as it affects Africans, and to remove all restrictions which are not essential to good government.

I have taken very careful consideration for at least 14 months over this question of the control of meetings held by Africans in this country, and I have taken official action within that period of 14 or 15 months, and I felt it would be a help to the country and to the Government that this matter should be thrashed out thoroughly in this Council. I move out thoroughly in the anticipation that it will be able to elicit from Government exactly where they stand in regard to this question of meetings, a very important factor in any intended system of democracy.

In a civilized country provision is often made in the constitution for the right of free assembly, free speech, and free press. Not only that, but African societies long before the advent of Europeans in Africa gave complete freedom of assembly to the members of the societies. On occasions, the right was abused, but it was not taken by a society that just because that right had been abused that right should be removed from the people. Africans knew that with that right went the duty of preserving peace and good order, and that the harmony and efficiency of the society could not come about unless there was peace and good order in the society. That was a thing that was known by the Africans, and therefore they held

[Mr. Mathu] meetings under the trees and in the open spaces, everywhere and at any time. They sought no permission from anybody, it was the right of anybody. (A MEMBER: Question.) If the right was abused, as I said, the society definitely dealt with the people who abused that right, but the right was never withheld.

In those meetings they discussed the welfare and the well-being of their society; social matters, economic matters, political matters, as well as military matters were discussed freely and without hindrance. The British came here, shall we say 30 years ago, and they found a people entirely different from themselves. They did not understand them rightly, and were impressed by the simplicity of their social organizations, and sometimes they misook that simplicity for lack of any social organization. They found that that simplicity also included lack of the very strong military power behind it, the very strong economic power, and they thought they were humble people who could be controlled, protected, and subjected in the way they liked.

That was perhaps the position, and as recently as 1937 Government enacted a law, the Native Authority Ordinance, which became law in March of that year so as to give powers to Government headmen, called chiefs, to help in the administration of the country. In that law provision is made under section 8 for the control of meetings held by Africans. With the permission of Council, I will quote the relevant section, which reads: "8. Any headman may from time to time issue orders to be obeyed by the natives residing or being within the local limits of his jurisdiction for any of the purposes following—(a) prohibiting any act or conduct which in the opinion of the headman might cause a riot or a disturbance or a breach of the peace; (b) prohibiting natives from holding or attending any meeting or assembly within the local limits of his jurisdiction which in his opinion might tend to be subversive of peace and good order."

I have no quarrel with section 8 (b), but I would like to observe that it is perhaps redundant in view of the fact that section 76 of the Penal Code serves the same purpose. As to section 8 (a), for us Africans that represents a piece of Draconian legislation. It aims at con-

trolling meetings held by Africans. They may be private meetings, they may be public meetings, and it seems to be only the headman's opinion before the meeting is held that it may, as the Ordinance says, be "subversive of peace and good order."

I would like to mention also that that power is not only given to the headmen but to all administrative officers as well, and section 10 of the Ordinance makes it clear. I do not propose to read the section, but it gives the administrative officers power to require headmen to issue orders for any of the purposes enumerated in section 8, part of which I have read, and if a headman neglects to issue an order which an administrative officer has told him to issue about prohibiting the holding of a meeting by Africans, the administrative officer is within his legal right to issue the same order to be obeyed by the Africans. That is really one of the most oppressive laws that I think we have on the statute book of the country to-day.

A headman is a human being, so is the administrative officer, and when they are given this legal right all they have to do is to say whether that meeting is public or private, that it might tend to be subversive of peace and good order, and you will agree with me that it is very unfortunate that men who are given that power can use their powers so excessively that they will oppress the people who wish to hold those meetings. Furthermore, another aspect I should like to mention is that the administrative officers, most of them, have also in addition to these executive functions judicial functions. That is, an administrative officer—and I shall give you one or two examples later—can issue an order prohibiting a private or public meeting, and if that meeting was in progress he can prosecute the people and, as a magistrate of the first or second class, can deal with the case himself.

Hon. members can see for themselves the great danger there of a misuse of justice, because as a French politician named, I think, Montesquieu, wrote: "If the legislative and executive powers are united in the same person, or in the same body of persons, there is no liberty, because of the danger that the same monarch or the same senate may make tyrannical laws and execute them

[Mr. Mathu] tyrannically. Nor again, is there any liberty"—and this is where we come in—"if the judicial power is not separated from the legislative and the executive. If it were joined to the legislative power, the power of the life and liberty of the judge would be arbitrary, for the judge would be the lawmaker. If it were joined to the executive power the judge would have the force of an oppressor."

I have in this Council asked a question suggesting that the policy of Government ought to separate the executive from the judicial powers in this country, and that a decision should be taken quickly that judges should deal with the interpretation of the law and the Administration deal with administration. We still believe that is a point that would definitely help a great deal to bring about better relations between Government and the people; if Government at the same time ensured that that sense of British justice was being interpreted and translated to the common African rightly.

That law, the Native Authority Ordinance, was enacted in 1937, has been in the statute book for many years, but as the African developed and saw that he was a member of a growing society he found he had a part to play in the social, economic, and political life of this country, and this was particularly the case during the war years. From 1939 to 1945 the African played a very important part in the victory that came to the Empire, in man power, in material, and in money. During those years, rightly, the British authorities in the military had to work on a first class programme of propaganda to discredit the enemy, as is done in war time, and to bolster up the ideals of the British in this case and so that the African should know that he would be better with the democracy as interpreted by the British people. There is nothing wrong in that, and the African got that thoroughly into his head.

He was told that under British rule, people were free, they could meet freely, could discuss problems freely, could live in the world as they pleased. He came back from the army, that African, and the Africans at home listened to all this over the wireless or read it in the newspapers, and they had meetings. The Africans came along and said: "Now we are going to organize, to have social

organizations, to improve our position economically, to improve ourselves, and to have political organizations to improve our political status." All sorts of organizations have cropped up during the last eight years or so. They found an Ordinance of 1937 of which they had not known, and this law was thoroughly enforced—during that time. They found they could not meet unless the chief said the meeting could go on, and if they held a meeting without knowing they contravened the law, a peaceful meeting, they were prosecuted.

Therefore there was started in that particular direction a chaotic state of affairs in native areas. This was clear to me, and I therefore, in order to ask Government, or draw the attention of Government, to the need for co-operation and organization in the native areas so far as the Africans were concerned, who were frustrated in meeting to discuss their problems as of yore. I asked the question in Legislative Council on the 26th September, 1946, and this is the question: "Is it a fact that a purposeful meeting held by more than three Africans in Kenya is illegal?" and the hon. Attorney General replied: "The hon. member is referred to section 76 of the Penal Code. This section applies to persons of all races. I was not satisfied with that answer, and I wrote to the Press after that to say that when I went to look up this section of the Penal Code I found that section 76 defined a riot. That made me very angry, because it suggested that every meeting an African holds, either private or public, can be defined under section 76 of the Penal Code as a riot. That, I submit, would not be true, and that section, as I say, gives that definition. I need not read it out, because hon. members know that section already."

The position did not improve from September, 1946, to September, 1947. There were prosecutions in many parts of the country, and all because people were holding meetings contrary to section 8 (b) of the Native Authority Ordinance, 1937, not contrary to section 76 of the Penal Code. Personally, I propose to give you four examples where those prosecutions have been made, in order cases more unjustifiably.

At one of them I was personally attending a meeting in the Marsabit, and the District Commissioner himself pro-

(Mr. Mathu) : I sided over the meeting, when we discussed very peaceably and courteously the problems the people wanted to put forward for my information, so that if necessary I could bring them to Government's notice. I left the Meru district, I was only gone for a day. In May, 1947, and when I came back telegrams reached me to say that the people who had organized that meeting, three of the leaders, were summoned before the court and, indeed, by the same district commissioner who had presided over the meeting, a first or second class magistrate, I forget which. He fined them a total of Sh. 256—(A Member: Shame.) That was a most regrettable thing to happen.

There was no intention whatever on the part of the people who met me at that place, Marieni, to cause any breach of the peace. Women and children, elderly persons, were there, every member of society, and it was as happy as any meeting I have attended, and that was the result. The people knew this was all wrong, and they had to try and appeal against the decision of the district commissioner, and I think that eventually the fines and the convictions were quashed. But why should that be, why should that be?

The next example happened in Embu, when a clan meeting was held for people to discuss how they could improve their land by using the water to run a posho mill. The chief got up at the meeting and said they had no right to meet because they had not the chief's permission, and therefore the meeting was illegal. They were prosecuted, and were fined by the district commissioner, Embu, and their leader was sentenced to a term of imprisonment. The case was appealed, and there was a revision of it in the Supreme Court here, and the Supreme Court ruled when they were dealing with that case that section 8 (i) of the Native Authority Ordinance, 1937, "does not give a headman power to issue a general order prohibiting all meetings not held with his permission . . . the common law right of peaceable meeting which does not obstruct a highway or public place ensures to inhabitants of this territory, irrespective as to what community they may belong . . ."

I may say that that is the view of the Supreme Court as far as this legislation

is concerned, and the African people of this country believe there is truth in the saying that there is justice in the British, because that court held rightly, for by this time the African thinks a lot of injustice had been committed by prosecuting a few innocent people for holding innocent meetings.

The third case was at Kalungu in Machakos, also last year, and here fines were collected. The people were holding, I know, a peaceful meeting, and the chief of the location prosecuted them because they had held the meeting without his permission. Incidentally, the law as I read it, section 8 (i) of the Native Authority Ordinance, does not say that prior permission should be obtained before a meeting can be held.

The final thing happened on 6th June, last year, at Kavajui, in North Kavirondo. There had been a meeting at which the location wanted to elect a member of the North Kavirondo Local Native Council, and the district commissioner as president of that Council was present. The election took place. There were two candidates, and one had more votes than the other. Therefore the supporters of the loser did shout and say: "We don't want it". That is exactly what we say if we lose, I say that I do not want it that way, and there is a *kelele* to that effect. That was illegal, and those who were supposed to have led the shouting that they had lost were prosecuted. The district commissioner gave orders, I have it on record here, that those people should be prosecuted in the Native Tribunal, and they were, five or six of them, and the sum of Sh. 1,200 in fines was collected.

They came to me, and I wrote to the District Commissioner, and asked what was the position. He replied saying that the meeting was riotous and that is why he took action. I told the people, and they wrote a very long memorandum in Swahili explaining the position. The district commissioner advised the president of the tribunal that he should prosecute the people under section 77 of that Code.

In July of 1947, I wrote a memorandum to Government over this question. I have a copy here. I drew the attention of Government to the fact that the position was serious and that they should reconsider the whole position and see whether really they ought not to relax at least the application of this law, unless

(Mr. Mathu) : I usually they get the permit, so I do not say here that there is any question of discrimination. But this ordinance was used for the first time last year for this purpose and; although as I say I do not think there is very much against this, it is going to hit the African very hard because, as you know, in the native areas you have not got halls where they can have meetings, so generally big meetings are held in places of public resort. People go out in the open in the usual way, which I think personally is healthier—you get all the carbon dioxide in a hall and I think it is unhealthy. I wonder that it is what they will be forced to do, to put up halls and buildings in order to hold meetings. But they have their own traditional method which, as I say, I prefer—that is in the open-air, sunny place, where they sit down and talk, and come back again tomorrow, and so on.

What is the African feeling about this? Let me say that at that stage, after the memorandum and after we had discussed throughout the country, and after, for example, the Kenya African Union had held a special meeting in November or October of last year and passed a resolution on this subject, we saw in the paper a communication from Government dated 29th October, 1947, under the signature of the Member for Law and Order, the hon. Attorney General. This said in brief that in connection with meetings held in public places the ordinance now used for the purpose was the Police Ordinance of 1930, sections 33 and 34. Section 33 requires any person or persons wishing to hold meetings or processions in public to get permission from high police officials, and where there is no such official they should get permission from the administrative officer of the district.

They said that the reason for employing this ordinance now is that there have been certain meetings held in places of public resort in the Colony which have resulted in disorder, and that it is intended to exercise stricter control than has been the practice hitherto. Usually section 33 of the Police Ordinance, 1930, is quoted, as I have done, and section 34 which fixes the penalty on any people who hold these meetings without permit to imprisonment for a period not exceeding one year. The final bit which I think I should read, says: "Notice is hereby given that in future the above-mentioned provisions of the ordinance will be strictly enforced."

This is an ordinance that I have not very much quarrel with really, because the regulation of public meetings and processions is essential, not only in Kenya among Africans and other races, but also in civilized countries. It is so in England. When they want to demonstrate in the streets in England or to have public meetings in a park, they have to apply to the town clerk, and the procedure is that

usually they get the permit, so I do not say here that there is any question of discrimination. But this ordinance was used for the first time last year for this purpose and; although as I say I do not think there is very much against this, it is going to hit the African very hard because, as you know, in the native areas you have not got halls where they can have meetings, so generally big meetings are held in places of public resort. People go out in the open in the usual way, which I think personally is healthier—you get all the carbon dioxide in a hall and I think it is unhealthy. I wonder that it is what they will be forced to do, to put up halls and buildings in order to hold meetings. But they have their own traditional method which, as I say, I prefer—that is in the open-air, sunny place, where they sit down and talk, and come back again tomorrow, and so on.

As I said, we held meetings anywhere, everywhere, any time, without restriction. Now we have to apply to a police officer to give us permission to do that, although, as I say, there is no evidence that it can be described as discriminatory, because it is essential that law and order should be kept and the police should know that public meetings and processions are to be held, so that they can keep law and order.

I have now commented on three pieces of legislation: the Native Authority Ordinance, 1937, which I have described as oppressive, Draconian, and I have asked for its amendment, and secondly, the Police Ordinance. I put them in order of application. I have also made reference to sections 76 and 77 of the Penal Code.

What is the reaction of the African towards all this? Firstly, it is something new in the native areas for the clan elders and families who hold meetings to see in a park or headman coming along and saying to the old people: "Now, you know you are not supposed to have meetings here; the chief does not know, the district commissioner does not know. You may disperse, or you are now going to be prosecuted." The old men would say: "Now, this is a funny word—of new. In the old days we met everywhere, everywhere and at any time, and we had no restrictions." Now they are saying in the new order, feeling embarrassed, and saying to the children: "We are in the wrong place. In our young days we were happier. You are in for bad times."

[Mr. Mathu]

That is the propaganda that goes on in the villages against the new order, and that is the thing I want to avoid. Therefore, there is a feeling of hate and—to use the words the hon. Chief Native Commissioner used last night in his broadcast on the question of identity cards—inferiority. They feel that they are not now free; that they have to get permission; that if they do meet they are prosecuted, they are fined, they are imprisoned. There is a feeling of frustration straight away. Therefore, what is the position? They have the feeling that they must meet, they must discuss freely, and they must make their own decisions; and here is a law restricting them to do so. You can see that that leads to repression and they try to evade the law.

In that memorandum which I have quoted I said this: "Those who still cherish their former freedom and common rights bitterly resent having to apply for permission to meet together for any purpose whatever. Naturally, the Law is evaded and they meet at night behind locked doors with a sentry outside; they meet in caves, in the depths of banana groves or in swampy valleys away from the habitations of their fellow men to avoid detection. Yes, they meet together, these 'free, happy Africans' of His Majesty's Colony of Kenya, like felons, with all the humiliating circumstances and methods they are forced to adopt; whispering and cursing the Europeans and their own headmen who administer an oppressive and unjustified Law. One day their repressions are bound to burst out with the usual unhappy consequences for all."

I have given an example of that already. A society of any kind must be a functioning society. It must move, it must live, but when there is a position like this it leads to what I might call social stagnation, and with your permission I should like to quote again only two sentences from the same memorandum that I wrote to Government: "In Kenya the stagnation now is that of complete social stagnation in the African areas. All creative effort is wasted; all constructive ideas are rendered sterile in the end, with the inevitable result that now the people are sinking into a state of hopelessness and bitterness."

Any community must be an organic community, and the pace of the community's life is slowed down when you prohibit meetings and apply the law (quite reasonably in certain cases), and society is bound to become, as I said earlier, steric and negative, and it is not constructive it might be destructive, because a living soul cannot remain stationary. I have it on the authority not of a small person, but that of His Excellency the Governor himself. I very often quote him because many times, as in this case, he does state the truth, when he was Governor of Uganda. He wrote a pamphlet called "Native Administration". I quoted part of it yesterday. It is a bit long but it will not take long for me to quote:—

"Communities are organic things which can only exist by functioning. Even the simplest African village community must either function or disintegrate; and if it is to function it must necessarily have allotted to it much that is covered by the expression 'local Government'. If it disintegrates, it becomes a leaderless and disorganized proletariat, but since it is not in human nature to remain for long in that condition, alternative groupings and organizations soon begin to make their appearance, sometimes on nationalistic, racial or religious lines, sometimes in the form of the secret societies, seldom unwise, intelligent or responsible control and often in the hands of the people whose principal object is the destruction of British Authority, or the establishment of this, that or the other form of society and government in place of that which exist. It is at this stage that a heavy price may have to be paid in disorder and the resultant suffering for having permitted the maintenance of law and order to pass entirely into the hands of what to the people is a foreign authority, so that they feel no responsibility for it."

I now come to my final point, and it is this.

If that is the position, what are we to do? If the position is that the Native Authority Ordinance controls private as well as public meetings, and if the Police Ordinance, 1930, controls public meetings and processions, and I heard an instance only this morning, which I might cite, where a registered trade union in Nairobi wanted to get a hall to hold meetings, and they were told

[Mr. Mathu]

they could not have a hall unless they had a permit from the superintendent of police. The position was rectified later, but what beats me is why they should try to prevent, under the Police Ordinance, 1930, a private meeting of an African Trades Union. What are we going to do about it? I make certain suggestions for the consideration of Government:—

The first is that we must repeal section 8 (f) of the Native Authority Ordinance, and if we do that I suggest that we must not include it in the draft bill to establish African district councils, because the Penal Code deals with that, and the Police Ordinance in regard to public processions and meetings deals with the situation admirably, and I cannot see any reason why we should retain section 8 (f) of the Native Authority Ordinance.

Secondly, I should like to suggest that Government may recognize traditional freedom of Africans to hold meetings. Recently the Social Welfare Department of Government in the various districts have encouraged, quite rightly, the elder system, an organization like the clan organizations, so that the clan authority may help us with the agricultural development of the country, and actually they are doing so in many places. How are they to meet? Will they have to get permission from the chief, from the district commissioner, from the police, and all the rest of it? I feel that that is not going to help us in any way, and I suggest that Government should consider, in these areas at any rate, allowing these people to meet in their traditional way as of yore.

Thirdly, and finally, I should like to suggest—and this I do in order to show my good faith in the whole affair—that Government that I do not advocate that there should be disorder or that there should not be peace and prosperity in this country. I suggest that we should increase the personnel of the Intelligence section of the Criminal Investigation Department, so that you have intelligent people to attend to these matters. If we did that, then Government could be sure that they have their finger on the pulse of public opinion in the African areas, because I want Government to know what the Africans think, what the Africans are doing, and I want Government to have a free hand in that matter, but not to inter-

fere with the old individual family, the clan or the tribal liberty to hold meetings in their traditional way in the African areas.

Now I have finished, and I should like to conclude by saying that my whole intention in bringing this motion before Council is not that things should go back. It is with the intention that things should be improved and that the relationships between the African and the native authority and headmen should be much better than they are now, because this section of the Native Authority Ordinance which I have been quoting has brought enmity between the African community and the headmen. If we remove that, happier relations will be established, and the Government orders issued through the headmen will be obeyed more intelligently and willingly by the African than hitherto. Also, I believe that there will be happier relationships between the African people and the Government, because all these minor irritations and vexations will have been removed by removing the section I am advocating should be removed. Then we say at any rate we have one thing—this is a phrase that the hon. Member for Nairobi North is very fond of using—and that is the British way of life, and one element of the British way of life is that people should be free to meet, to discuss and to make up their minds. Mr. President, I beg to move.

MR. OHANGA: Mr. President, I beg to second the motion before Council this morning and to pay a very high tribute to my hon. friend and colleague, Mr. Mathu, for bringing it before Council, and also to Government and the whole Council for accepting it for debate this morning. Furthermore, I should like, if I may, to pay a much higher tribute to the hon. mover for his very brilliant and hon. mover for the very best and most explicit manner in which he has introduced this motion this morning. I am sure he has been able to establish a very good case for the freedom of assembly among the indigenous communities of this country.

In the last decade or so there has been a very strong tendency and a feeling among the people and the Government, that African co-operation with the Government and with the people of the country should be encouraged in every way possible. This co-operation, I believe to me, has to come from the African him-

[Mr. Ohanga] self, and he has to be free to consider how he can best co-operate with Government in making some of the great decisions which have to be made with regard to African affairs. That is why I think that this motion is most timely, and I should like to emphasize the fact that the debate this morning may lead to much greater freedom for the African in the matter of public assembly.

My colleague has already dealt very ably with the reason for bringing this motion before Council. I shall content myself by referring only to the very general aspects of it, as I feel that all the necessary authorities, quotations and examples have been most ably put before us this morning. For myself I feel that he has made a very wide study of the subject, and the case he made this morning was a very able one indeed. As mentioned, the African has had freedom for centuries to meet anywhere and everywhere to discuss things that were of interest to them. The customs of the people allowed it, and there was never any restriction of any kind applied. I feel that freedom to express public opinion is a thing we badly need among the Africans of this country. Often what the African thinks is never known, and one of the reasons why that is so is that it is never expressed, and unless it is expressed it will never be known. I think it is the duty of Government to do all it can to encourage free expression of opinion on public matters by Africans in order that they may cooperate with other communities in all the activities that affect all of us as a society.

Moreover, there is an increasing desire among Africans to come forward and take part in meetings of all kinds that have to do with public purposes, and I feel myself that in their social meetings, held either privately or publicly, intelligent Africans could have been trained, or could have trained themselves, on some of these subjects before they came forward to contribute to general meetings with members of other races. For that reason I think it would be a very good idea if restrictions of every kind were reduced, if possible, to the minimum in every way.

It has been pointed out by my hon. colleague that some of these restrictions in the matter of public expression can

have very unhealthy results indeed. One has been pointed out, frustration among the Africans. Another consequence can be to lead the Africans to resort to such things as secret meetings which, in my opinion, do not at all make for good and efficient Government. Unless the public is willing to allow the African to consider their affairs in public, there is no alternative except to consider them in secret. That is one of the results we must be prepared to face, and it is not in the interests of good government.

It is the duty of Government to develop the African in this country until the time will come when he will be in a position himself to look after his own social and political affairs. That is the goal to which we should all contribute. We are looking forward to the time when the Africans will be able to manage their own affairs in every way. But if that be the aim and object, I should like to say that these restrictions can only be contradictory to the spirit of that object, because in developing these institutions it is not possible to apply those restrictions in the manner they are being applied in certain quarters of the country and expect good results.

I shall not be long, but before I resume my seat I should like to express my dissatisfaction with what I feel is a negative approach which Government has taken on this matter of public assembly as regards Africans. It seems to me necessary that a much more positive approach should have been taken. The African should be encouraged in his own way to try and do the things that Government wish him to do in order that he may take part intelligently in that government. This negative approach seems to me to be a thing which is not going to make for any good, and will delay very much the development of the political institutions of the Africans in the country. There seems to be a complete lack of the positive direction to Africans as to how they should run and manage their own societies. I think when the matter is examined in detail, a case can be made out for Government giving the African a positive and better direction in the matter of public assemblies. I think the time has come when steps should be taken to provide African social organizations and political bodies that are growing up in parts of the country, but which

[Mr. Ohanga] are usually looked on by Government as more or less undesirable, because some of the results do not make for the things which it is felt are good government. Unless they are given positive direction, I am sure that improvement will be slow and more harm will be done.

Before I come to my final point, I should like to refer to one or two things, which are usually alleged as the reasons for restricting African meetings.

It is said that if Africans are allowed to meet freely there will be disaster, rioting, and things of that kind. In my opinion, we have not yet got to that stage in this country. The Africans are a peace loving community, and it will take some time before they can develop the spirit of rioting which we hear about in other parts of the world to-day. I think that some of the alleged fears are more or less unfounded, and there is no reason why the restrictions should be applied perpetually, and that a case has been made out for the removal of them.

The second fear, and it is only a fear, is the exploitation of the African by the African. It is true that it is possible, but the brotherliness and fellow feeling among African people is still very strong. If African social and political institutions were well guided by Government in the way the hon. mover has pointed out, I am sure we shall be quite safe. There are not many examples that can be given in this country where people have exploited their African friends without good reasons. Actually, no case of exploitation of any kind can be cited, but where Africans have come together and contributed for a purpose it has been termed exploitation by the authority. I should like to say that some of these fears, which are spoken about publicly, do not really exist because they are unfounded.

For proper and intelligent co-operation with Government we ask that Government should take very definite steps to give the African a definite direction as to the way he should develop, because to develop he must. If he does not, the people do not. It is through societies and organizations that they will develop politically, and for those reasons I feel it is very necessary that Government should give a direction as to the way in which they should develop. To amend the

restrictions only is not enough, because that seems to me to be negative, but something positive should be done to get the Africans educated in matters of constitutional procedure and so on.

Before I sit down I will repeat one plea that has been made in this Council, and which I am proud to repeat. Treat the African as a man; nothing less, nothing more, and also as a fellow citizen of the British Empire with all the rights of citizenship, and there is no doubt that he will respond well.

Mr. FOSTER SUTTON: Mr. President, the hon. mover has mentioned four cases which he alleges are specific instances of injustice being done. It so happens that I know of one, and I will deal with it from the public assembly point of view and will leave the hon. Chief Native Commissioner to deal with it from the Native Authority Ordinance aspect. In order to give him a fair opportunity of dealing with the cases mentioned, I will ask the leave of Council to move that the debate on this motion be adjourned until next week so as to give me the opportunity of looking into cases of which I have absolutely no knowledge at all.

Mr. COOKE: I oppose any adjournment. It is quite contrary to our usual custom. The hon. Attorney General must be fully aware from the memorandum submitted by the hon. African Member to Government of the line he was going to adopt, and I think it is correct to say that he must know of one or two of those cases. For the hon. Attorney General to say he is only aware of one of the four cases is a very strong confirmation of my indictment of the hon. gentleman on the other side that I made yesterday.

Mr. FOSTER SUTTON: On a point of order, is the hon. member entitled to make a speech which is a repetition of his speech yesterday?

Mr. COOKE: I have finished now.

THE PRESIDENT: He is out of order.

Mr. FOSTER SUTTON:

THE PRESIDENT: But there is no proposition yet seconded that the debate should be adjourned. Until somebody seconds the motion of the hon. Attorney General nobody has any right to speak.

Mr. RANKINE: I beg to second.

MR. FOSTER SUTTON: I have not yet moved it. I have taken the liberty of addressing the President because I found myself slightly embarrassed, and only did it out of courtesy. I should have thought that it was up to the hon. member who quoted the cases to take exception to my suggestion, but I made it in order to be able to find out about them. That is my only means, an adjournment, because the hon. African member sits at one end of this Council and I at the other and it is impossible to ascertain otherwise his wishes in the matter. If he objects, of course I am not going to move the adjournment; if he agrees, I will.

MR. MATHU: Personally, I would be agreeable to an adjournment of the debate so as to give the hon. member an opportunity of going into this and making out his case properly next week. (Some laughter.)

MR. COOK: I will withdraw anything I have said.

THE PRESIDENT:—

MR. FOSTER SUTTON: In view of the courtesy of the hon. member Mr. Mathu in the matter, I do not wish to make out my case—I wish to deal faithfully with all the cases I am not aware of now, and I am not aware of having seen his memorandum. In view of the hon. member's courtesy, I move: that the debate be adjourned till Tuesday of next week.

MR. RANKINE: I beg to second.

The question was put and carried.

The debate was adjourned accordingly.

EUROPEAN OFFICERS PENSIONS (AMENDMENT) BILL

SECOND READING

MR. TROUGHTON: Mr. President, I beg to move: That the European Officers Pensions (Amendment) Bill be read a second time.

This bill is very simple in character. The pensions law was amended in 1927 to take away the right of an officer to retire after 20 years' service. Three officers were appointed to the Kenya Police in that year. They were appointed before the pensions law was altered, but they were required to undergo a course of training at Scotland Yard before they sailed for this colony, and their appoint-

ment dated from the actual date of leaving. It was really a condition of their terms of service, or rather, they were offered and accepted the terms of service that were in operation before they took up the course, and those terms were changed before they sailed. It is only right that they should be given the benefit of the terms they accepted, and this particular bill will bring that about.

MR. FOSTER SUTTON seconded.

The question was put and carried.

REBATE AND REFUND OF CUSTOMS AND EXCISE DUTIES BILL

SECOND READING

MR. TROUGHTON: Mr. President, I beg to move: That the Rebate and Refund of Customs and Excise Duties Bill be read a second time.

This bill is designed to perpetuate certain concessions regarding customs and excise which have been in operation during the war by means of Defence Regulations, and the bill if passed will be deemed to have come into force on 1st January, 1947, as in accordance with what we believed to be the wish of this Council we carried on.

Clause 3 is the most important one, and that in effect provides that when the military authorities purchase excisable articles they should not be liable for excise duty, subject to such limitations as the Commissioner of Customs may specify. Secondly, that when the N.A.A.F.I. purchase excisable articles, excise duty shall not be levied.

Perhaps at this stage I should explain that we have decided, in agreement with the military authorities, that the N.A.A.F.I. institutes should not be allowed to function on duty-free supplies except in military cantonments, and that Government should have the determining say in the quantities of dutiable goods which should be allowed to be sold to members of the armed forces, that no civilians should be allowed to deal at N.A.A.F.I. institutes, and that any abuse of the N.A.A.F.I. privilege by members of the forces if discovered should be punished in the most serious possible manner, and the military authorities, the R.A.F., and naval authorities have given

[Mr. Troughton]— us a most strict assurance on that point. Therefore, Government felt it was reasonable that members of the forces who have come to this colony from overseas in particular should be given these facilities, more particularly as they remain liable while in the colony for United Kingdom rates of income tax.

Clause 4 provides that where purchases have been made from duty-paid stocks, the purchase of imported goods either by the Services authorities or by the N.A.A.F.I. for re-sale, the Commissioner of Customs is empowered to grant a rebate of customs duty. He is not required to do it, but can grant it. He can grant it subject to conditions and limitations, so that Government has complete control over the business.

Finally, it is proposed to perpetuate the Defence Regulations under which the same facilities are granted to the Mombasa Port Welfare Committee, which caters largely for the members of the Merchant Navy. Again it is subject to such conditions as the Commissioner of Customs may specify, and I may say that it is the intention of Government that, should there be any material abuse of these very important concessions, Government will not hesitate to take the most drastic action.

I do not think it is necessary for me to explain this measure further. It perpetuates the position which has existed during the last few years, with this important change, namely, that Service canteens will only be allowed in Service cantonments.

MR. FOSTER SUTTON seconded.

The question was put and carried.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned till 10 a.m. on Tuesday, 13th January, 1948.

Tuesday, 13th January, 1948

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 13th January, 1948.

The President (Hon. W. K. Home) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 9th January, 1948, were confirmed.

PAPERS Laid

The following paper was laid on the table:—

By Mr. TROUGHTON:

Select Committee report on the Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya; the Draft Estimates of the Kenya contributions to the East Africa High Commission, the Draft Estimates of War Expenditure, the Draft Schedule of Loan Expenditure, and the Draft Estimates of the Development and Reconstitution Authority, for 1948.

ORAL ANSWERS TO QUESTIONS No. 94—CREMATORIA AND CEMETERIES

MR. PRATT:

Having regard to the persistent representations that have been made on the subject, will Government please state when finally it is likely to be reached in regard to the provision of crematoria and cemeteries at such townships and trading centres as are situated in the native reserves and also in settled areas, which are being put to great hardship due to the absence of crematoria and cemeteries?

MR. MORTIMER: Active consideration is being given to the question of the provision of sites for crematoria and cemeteries in the new town-plans which are being prepared for the various townships by the Town Planning Adviser.

It is, however, regretted that it is not possible as yet to state how soon the actual provision of approved sites can be made.

It is not considered practicable or desirable to make provision for crematoria and cemeteries in trading centres in the Native Land Units, save in exceptional circumstances.

MR. PATEL: Arising out of that answer, may I ask the hon. member if in the trading centres any such provision is not to be made how the people are to deal with dead bodies?

MR. MORTIMER: I suggest that they should continue to deal with them as they have been dealing with them in the past 30 or 40 years.

MR. PATEL: Arising out of that answer, will the hon. member inform Council what is that practice? (Laughter.)

MR. MORTIMER: I must have notice of that question. (Laughter.)

NO. 103—RUMURUTI WATER SUPPLY

MR. PATTAM:

Will Government please state when it proposes to implement the assurance in respect of the provision of a water supply given in 1944 by the then Governor to the Indian Association, Rumuruti, in reply to its address of welcome?

MAJOR CAVENDISH-BENTINCK: Rumuruti township water supply still occupies a fairly low position in the priority list, both from the point of view of staff for investigation and material for construction. With the very great existing demand for water supply materials for production schemes, and for schemes affecting large populations, it is not considered that the very small community at Rumuruti can, under existing circumstances, have claim to any higher priority.

FREEDOM OF ASSEMBLY

REMOVAL OF RESTRICTIONS

The debate was continued.

MR. FOSTER SUTBIE: Mr. President, before dealing with any of the major points made by my hon. friend Mr. Mathu, I should like to dispose of one complaint which he made during the course of his speech. He stated, categorically, that in answer to a question that he asked some time last year I had replied, but that I had not answered it fairly, and that I had given offence by the answer I gave. I think it is a small point, but I should like to deal with it because I do not like these accusations of unfair treatment. When questions are asked by hon. members on the other side of this Council I think it is Government's

duty to answer them as fully and fairly and properly as they can. (Hear, hear.) That is what we try to do.

The hon. member asked this question: "Is it a fact that a purposeful meeting held by more than three Africans in Kenya is illegal?" When that question was sent to me through the Secretary, I was rather puzzled to know what he was getting at, and eventually I honestly came to the conclusion that he was asking for information, and as the only section of any ordinance in this country that deals with assemblies of three persons, so far as I am aware, is section 76 of the Penal Code, I gave this reply:—

"The hon. member is referred to section 76 of the Penal Code. This section applies to persons of all races". If the hon. member was not satisfied with the answer, I am very sorry he did not ask a supplementary one at the time, or let me know, because I have heard nothing from him from that day until he got up on his feet and made his speech in moving this motion. I thought he was asking for information, the only law that I knew of that dealt with a gathering of three persons was that, and I gave him what I thought was a perfectly correct answer and all the information that he wanted in reply to his question.

I think that if we are expected to deal fairly and thoroughly with questions, we are also entitled to expect that questions convey the intention of the questioner. It is a small point, but I thought that as I had been accused of treating him unfairly and he seemed very annoyed about it, I ought to deal with it.

First of all let me say this. We have been asked what Government's policy is regarding public assembly, especially in relation to public assemblies by Africans. I can state categorically that the Government's policy is not to interfere. Not only do they not wish to, but they have no intention of interfering with ordinary private or clan meetings and customary African meetings, or any other meetings held by members of any race in this country, providing always that those meetings are conducted in a lawful manner and not in such a manner as is calculated to cause a breach of peace and good order. I venture to submit that that policy is the policy of every civilized country in this world to-day. Listening to the hon. mover I really

[Mr. Foster Sutbie]

thought to wonder if he was serious over some of the remarks he was making. One would almost believe, listening to him, that the African population of this country is never allowed to meet and that they are harassed and badgered about from pillar to post on every conceivable occasion.

The hon. mover moved this motion, if I may say so, in a very moderate manner, and I hope I shall not be guilty of introducing any acrimony into it, but I think it is only right that I should deal with the points he has made frankly, and that is what I propose to do.

During the last two years there have been meetings, unfettered and unfettered with, held by Africans all over this colony—hundreds of them. Let us keep our feet on firm land. Do not let us get excited and allow our excitability to overrule our judgment. The fact is, as I say, that we have had, especially during the last two years, hundreds and hundreds of meetings held, none of which have been interfered with by any officer of the Government. Steadily—and more so during the last eighteen months—the persons who have organized these meetings have been trying to work up the passions of the people who attended them. I am one of those who gets reports of these meetings, and it is my duty—and a very arduous duty because of the number of meetings held—to read the reports that come in of what is said at those meetings, and I have noticed an increasing tempo of lawlessness in the manner of conducting and addressing those meetings. It has given me a considerable amount of concern, and it was because I was so concerned about it that I thought the time was overdue when it was my duty, as the member responsible for law and order in this colony, to draw the attention of the public to the provisions of section 33 of the Police Ordinance.

That I did by a notice which was published in every paper circulating in this colony, towards the end of October or very early in November last year, and this was the terms of the notice that I published:—"In view of the fact that certain meetings held in places of public resort in the colony have recently resulted in disorder, it is intended to

exercise a stricter control than has been the practice to date hitherto. In this connexion, the attention of the public is drawn to the provisions of section 33 of the Police Ordinance, 1930 (Ordinance No. 64 of 1930), which provides, *inter alia*, that any person who wishes to hold a meeting or to form any procession on any public road or street, or at any place of public resort, shall first make application for a licence to a superior police officer or to an inspector in charge of the Police Force in the place where it is intended to hold the meeting or form the procession, or to an administrative officer, where there is no superior police officer, or inspector in charge in such place, for permission to hold such meeting or form such procession."

I do not think I need read the rest of the notice. That is the purport of the notice issued, and I issued it because there had been disorders at some of the meetings. Very often the meetings were held without the knowledge of the police who, after all, are charged with the responsibility of maintaining order in the country. They were meetings held in places of public resort. I say, and I shall never retract from the position, that it is right that those charged with the responsibility of maintaining order should know and should be made aware, especially in this country to-day, when and where such meetings are taking place. It enables them to make proper arrangements. After all, as I say, it is their duty to maintain order. It enables them to make proper arrangements to be present to see that order is maintained. They have no right to interfere at orderly meetings; nor do they do so, and if any hon. member of this Council can cite one single case of unnecessary interference, either in the past or in the future, I will always deal with it immediately. They are charged with maintaining order; they have a right and duty to be present, and I say that the enforcement of that law is good government. Not only must we know, but, in the light of events that have taken place, it is our duty to insist upon being informed when these large gatherings are to take place in any place of public resort.

As it observed, before passing on, that in quoting the notice I was reading from a paper which the European Electors

[Mr. Foster Sutton] Union put out through the medium of the *Kenya Guardian*. I mention that to make the point that the Police Ordinance applies to members of all races. It is completely non-racial, and when I issued that notice it was intended to apply to all races, and they, as good citizens, considered it their duty to draw the attention of members of their organization to it so that in future it would be strictly complied with by them.

What is the justification for tightening up on this matter of assembly in public places? That is all I am talking about. We have no intention or desire to interfere with meetings in private places, provided of course they do not misbehave themselves and do not commit breaches of the law. If they do they will be dealt with. As I say, it is completely non-racial. What is the justification for it? Hon. members will remember that there was, early last year—it was growing up, I admit, for a considerable time—a labour dispute in Mombasa. Very large meetings were held there. They amounted very often to anything from 3,000 to 15,000 persons. In the main, and it is very much to their credit, they were orderly and decently conducted, but you always get hot-heads and a particular type of nasty individual who is out to cause trouble, and there were among the organizers of these meetings people who caused considerable trouble. For instance, they did a thing which no Government could tolerate—they set up in the middle of the meetings courts; at which they purported to try natives who had so far forgotten themselves as to say at work when they had been called out and ordered to strike.

I should like to state one example of what happened at one of these courts. I am entitled to mention it because it has been aired in open court and the perpetrators of the outrage have been convicted and sentenced to prison, very properly. At one of these courts which was held in the middle of a very large assembly of persons, they tried a certain number of individuals because they had the indecency to stay at their jobs, having no quarrel with their employers. They tried them, and sentenced them to have their heads shaved, and they carried out the sentence. As soon as it came to the

notice of the authorities down there, the police and the district commissioner, with considerable courage—because at the time there was a crowd of 12,000 to 15,000, and this was going on right in the middle of the assembly in a public place in the middle of Mombasa—went in with a handful of police, six or seven police, and rescued the prisoners who were being maltreated by the persons convening the meeting. When the district commissioner came upon them he found that one man was sitting with his head bowed, being held, with a hostile crowd round him, while another native, with an ordinary razor blade between his thumb and forefinger, was hacking off the hair from his head. Several others were about to be treated in the same manner. When the district commissioner arrived on the scene he found that the man's head was bleeding, and he was not in very good shape and was extremely frightened. He rescued him and the other persons who had been sentenced by the so-called court.

This is only one instance, but I think you will agree that that type of affair has got to be taken seriously, and I am sure the hon. mover and his colleague will agree that it cannot be tolerated. We cannot allow that sort of thing to go on. That is one incident. A number of other instances have taken place. Most of the meetings in the recent past have been convened—I say it without hesitation—in the reserves by persons, most of them emanating from Nairobi whom I might describe as street corner boys, who have gone in there for the express purpose of stirring up trouble and disturbing the peace in the reserves. There is no doubt about it. One must judge people by their actions, and you have only got to read what they say to realize that they go in there, they have little or no business there, with the express purpose of stirring up trouble.

There is another reason why they go there, which is a matter that has been concerning me and my hon. colleague the Chief Native Commissioner and other members of Government, and that is that it is a very profitable pastime. I know as a fact that at most of these meetings the hat goes round and vast—I say it advisedly—vast, having regard to the persons convened, sums of money have been collected over the last two

[Mr. Foster Sutton] years at these meetings. If I were one of the people who were continually being asked to contribute, I should by now be asking myself: What is happening to my money? Where is it going? What is it being used for? I do not think it would be unreasonable. I mention that fact because the hon. mover made a remark which rather surprised me. He said that a lot of exploitation is not taking place. I wonder what put the idea into his head. Anyway, that is what he said, because I made a note of what he said at the time. He went on to say—

Mr. MARRIS: On a point of order, if I may say so, I did not say that. I think my colleague used that word "exploitation".

Mr. FOSTER SUTTON: I am sorry, I have got my note here, but it may be that I muddled the pages up. Anyway, it was said during the debate. If the hon. member is not responsible I apologize to him, but I thought he was the one who made it.

Whoever made the remark went on to say that it very rarely happens. I have a note of the exact words—"not one single case can be cited". I can assure hon. members (and I ask them to believe me) when I make the statement because I make it with a full sense of my responsibility to this Council that there is not the slightest doubt that vast sums of money are collected from these people, and I believe, rightly or wrongly, that a large number of meetings, not all, that have been held in the immediate past have been convened for the express purpose of making money. It is a thing, as I say, which has concerned me and my hon. friend the Chief Native Commissioner. He has often asked me what we can do to stop this sort of thing. It is not as easy as it looks. Moreover, we do know that some of the people responsible for these collections also send out teams into the Central Province. Action would have been taken had we been able to procure evidence, but there is such a thing as intimidation—the teams are sent out and people are actually forced to contribute funds. I see my hon. friend from the Coast smiling and scribbling, but may I say that that is a fact. (Laughter.)

Mr. COOK: On a point of order, has the hon. gentleman any right to be

offensive? I have every right to smile and scribble.

Mr. FOSTER SUTTON: The smile was offensive—(laughter)—and intended to be.

I think every decent law-abiding citizen will agree that that sort of thing cannot be tolerated. I only mention these matters because after all we are having this debate and I do not think I am exaggerating, and I am speaking from facts that have been reported to me by responsible officers serving this country, time after time after time.

I started by saying, what is the justification? I go on to say, and it is my opinion and an opinion which is shared by all responsible opinion in the Government, that the recent incident at Uplands, which unfortunately resulted in loss of life; the recent incident in Location 8, both these incidents were entirely due to these people who came from outside, went in there for the express purpose of stirring up trouble, and succeeded in doing so. (Hear, hear.) There is not the slightest doubt about it. The evidence on it is overwhelming.

I am going to try and confine myself as much as possible to the public assembly aspect (my hon. friend the Chief Native Commissioner is going to deal with the reserves) and the points raised in connexion with the Native Authority Ordinance.

Because of events which have taken place in the Fort Hall district, I should like first of all to say this: Over the course of years the Administration in that district, by hard work, propaganda and effort, built up an absolutely first-class anti-soil erosion scheme, and it was working admirably. It was working admirably because over the course of time the Administration had got the goodwill of the people in the area. Hundreds of people turned out and assisted in this scheme. My hon. friend knows more about it than I do, and will be able to give you more information if he thinks it necessary. That scheme was, after all, for the express benefit of the Africans living in that area, and it is obviously in their interests that their land should be rehabilitated.

Then all sorts of rumours were started and spread, and meetings were held, and it only took about two or three weeks to

[Mr. Foster Sutton] destroy the endeavour and effort which had been made by the Administration over the course of years. People went up there who had absolutely no business there, and destroyed the whole of the admirable efforts of the Administration that had taken them some years to build up. In two or three weeks they destroyed it deliberately by propaganda (I should like to use another expression) at the meetings they convened in that area.

Recently, some of the people responsible for convening a large proportion of the meetings held all over the place, have been apprehended and brought to justice. They had been carrying on the same old racket as in Mombasa, of holding courts. Some have pleaded guilty, a certain number have, and they have been sentenced and others are awaiting trial. These men held courts, and in some of the cases they dealt with the victims were fined Sh. 100 which went into the pockets of the men trying them, and those men had the impertinence to sentence one to imprisonment for two days, which were actually served in the cells of a native tribunal near the coast, and we are in the process of trying to find out more about the incident. I mention it because of what has been done by these agitators, to use plain language, who have been convening these meetings, and it gives you an idea of their mentality.

Let me emphasize this. No law-abiding citizen, no law-abiding citizen in this country, has anything to fear by reason of the fact that the police choose to be in or near their meetings. I know of not one single case where the police have interfered with any meeting held in any public place unless there has been lawlessness.

The hon. mover said almost despairingly that trade unions, referring to one in Nairobi, actually had to obtain permission to hold a meeting. Of course they did. They have to obtain permission to hold a meeting, because the law applies to everybody, in a place of public resort, and I have given reasons why I consider that desirable. If they choose to hold a meeting in trade union premises or private premises, they do not require permission, and nobody has ever suggested they do.

He went on to say that this Government—implying it was a very wicked act

—had had the temerity or injustice to forbid a meeting of the African Workers' Federation (I am not certain that he mentioned the name, but I will), in Nairobi. That is perfectly true. On 15th December the police forbade that particular organization, whose head offices are in Nairobi, from holding meetings in a place of public resort. It was reported to me and I upheld their decision, because I considered it was one hundred per cent justifiable. You must remember this, gentlemen, that you are dealing with fairly inflammable material. They had been going on working their members up and anybody else who chose to attend their meetings, and at this particular meeting they issued definite threats that they would kill any police officer, or anybody else connected with the police, who had the temerity to come anywhere near their meetings. Those were the people who had previously shaved the heads of other people, who had previously threatened to cut off the ears of anybody who disobeyed their orders.

When those threats were issued, I considered the time had come to call a halt. (Hear, hear.) I considered the police were one hundred per cent justified in telling them: "We will not permit you unless you behave yourselves and conduct your meetings in a decent, orderly manner, to hold meetings in a place of public resort in this city." (Hear, hear.) I do not say that that ban will remain forever, but I considered they needed to be taught a lesson.

I entirely agree with what was said by my hon. colleague, and I cannot ram it home too hard that there are certain duties connected with citizenship, and if we are good citizens we should insist on those duties being faithfully performed. I apologize for going into so much detail, but I think, with the greatest respect to the hon. mover, that an entirely wrong impression may have been created, and that is why I consider it my duty to Government and the public of the country, which includes Africans, that the Government should state the facts. Those are my justifications for insisting on this sort of thing. There are many more instances, but I will not weary Council by giving details, but I can give this definite undertaking to the hon. mover and his colleague and to the inhabitants of this country: We will not

[Mr. Foster Sutton] interfere with law-abiding citizens, we have no desire or intention to do so, who choose to hold meetings and processions in public places, providing they are law-abiding.

Let it be thrown in my face when I sit down, I would say that there was a case in which we refused to allow a procession to take place in a certain city in this country, and the refusal was made on my instructions. We refused to allow the procession because the organizers had previously stated their intention to organize it for the express purpose of moving towards the goal and liberating certain of their comrades incarcerated in it. Do you think we were right or wrong? Would you have allowed it to take place, with the probable consequence that some people might be shot, or was it not our duty when we knew the express purpose of the procession to stop it? I say that prevention is better than cure. (Hear, hear.) When we believe a thing is going to be done with a lawless intention, it is our duty, not only our right, to stop it.

May I say this, too? A tremendous amount of my time, and the time of my colleagues in my department, is taken up with dealing with these cases of lawlessness. It is almost impossible with the present staff to cope with it. But I believe the hon. mover and his colleague and decent citizens like them will use their endeavours, as we all will, to try and persuade people to adopt a different attitude, a more lawful attitude, and when I say this I am not suggesting for one moment that I do not believe the vast bulk of the population are not law-abiding. They are, they are decent people. Only a few stir up all this trouble, and I believe the vast bulk of the people—I agree with every word the hon. member Mr. Ohanga said—are decent, law-abiding people, and they have proved it time after time. They proved it in the recent trouble that we had when officers of the police unfortunately lost their lives, and the decent citizens came to help track those people responsible for the murders. (Hear, hear.)

I am not going into any detail, I think they touch more closely the hon. Chief Native Commissioner, but the hon. mover did mention certain cases, and because I was not aware of all of them, and I knew the hon. Chief Native Commissioner was not, I asked the mover's

permission and the leave of Council to adjourn the debate. I propose only to deal with two of them, very briefly; they will be dealt with in greater detail by the hon. Chief Native Commissioner.

Take the Meru case, I mention it because it impinges on the administration of justice. In mentioning it the hon. mover said: "It is high time"—or words to that effect—"that justice was administered by the judiciary, and that the Administration should confine themselves to administrative matters." That has, of course, wherever practicable, been the policy of Government, but the question of finance and other matters enter into it. It is not so easy as he seems to think, but that is the policy, taking the long term view, of this Government, to progressively do, not because the administrative officers do not perform their judicial duties in an exemplary manner, but because they are overburdened with other work, to have as a general rule, because it is considered desirable, the judicial work confined to the judiciary.

The Meru case was cited, and I want to give a very brief outline of it; my hon. friend will deal with it more exhaustively. The hon. mover told us that tribal traditions and rights still prevail to this day and are regarded with considerable respect by everybody concerned. I am assured by the hon. Chief Native Commissioner and by officers on the spot, that the persons who are of the age group in that area that are so convened in accordance with native law and custom in the area to convene meetings, it was when the district commissioner heard, that the meeting had been unlawfully convened in the light of native law and custom in the area that he decided to go to the spot and there, as the hon. mover said, he met the hon. mover.

I am not going into details as to whether more courtesy might have been employed, whether there was in fact any discourtesy, but the officer who went there was under considerable apprehension because, as I say, the wrong age group had convened the meeting, and he was afraid, because there was considerable trouble among the proper age group, who took very strong exception to the young men convening the meeting. Those were the facts that the man on the spot was faced with.

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The Meru case was cited, and I want to give a very brief outline of it; my hon. friend will deal with it more exhaustively. The hon. mover told us that tribal tradition and rights still prevail in this day and are regarded with considerable respect by everybody concerned. I am assured by the hon. Chief Native Commissioner and by officers on the spot, that the persons who convened the meeting at Meru were not of the age group in that area that are entitled in accordance with native law and custom in the area to convene meetings. It was when the district commissioner heard that the meeting had been unlawfully convened in the light of native law and custom in the area that he decided to go to the spot and there, as the hon. mover said, he met the hon. mover.

I am not going into details as to whether more courtesy might have been employed, whether there was in fact any discourtesy, but the officer who went there was under considerable apprehension because, as I say, the wrong age group had convened the meeting, and he was afraid, because there was considerable trouble among the proper age group, who took very strong exception to the young men convening the meeting. Those were the facts that the man on the spot was faced with.

[Mr. Foster Sutton]

The mistake I think he made, if he will permit my saying so, was this. There were some hundreds of people there and he, rightly or wrongly, decided that the best course to adopt was to call them together and be present at the baraza, and he was, I believe he invited them to come round and told them to state their grievances to the hon. mover, which they did. Then he went away, and because they had definitely broken the law in convening the meeting (they had no business to do it, and they knew it) he ordered the people who were responsible for convening it to be prosecuted, and it is admitted that he tried one man himself and punished him.

I personally cannot agree with that. I cannot agree with it morally or as chief law officer of the Crown, but it is easy to be wise after the event and to criticise the man in the field. The officer concerned was working under considerable provocation. He had good reason for feeling apprehensive, and who among us who does a job of work can say he never makes a mistake on one occasion or another? (Hear, hear.)

The other case mentioned was the case of Mr. MATHU. I was intending to deal with it, but I will leave it to the hon. Chief Native Commissioner. All I will say is this. I was surprised, in the light of the correspondence which the hon. mover very kindly and with the greatest courtesy allowed me to see, between the hon. mover and the district commissioner concerned, that he found it possible to dismiss the incident like he did by saying they were "prosecuted because they took objection to the election" —

MR. MATHU: On a point of order, I think the hon. member is saying the wrong case. He is not talking of Embu.

MR. FOSTER SUTTON: The hon. member waved his hand and said they were prosecuted because they objected to the election. In point of fact, they were prosecuted because they almost created a riot. That was why they were prosecuted, and they were not prosecuted by the officer on the spot until after he had discussed the matter with responsible members of the local native council, all of whom agreed that the men ought to be prosecuted, that they had committed a breach of the peace, and it was the

duty of the district commissioner to see that they were prosecuted. Those are the facts as reported by the officer concerned.

The hon. member may say: "I do not accept his statement". All I can say is, go up there and discuss it with members of the local native council who were on the spot and who advised the district commissioner. He had sought their advice, and he stated that it was their considered opinion that the men concerned ought to be dealt with because far from merely saying "We object" they created no ordinary scene. Why? Not because they had been done any harm by anybody but because their candidate had not been elected. If we are all going to create riots because the particular candidate we are sponsoring is not elected (laughter), all I can say is there will not be enough police in this country to maintain law and order.

The hon. Chief Native Commissioner will deal with it, but I do refer as strongly as I possibly can the allegation that we or our predecessors have ever been guilty of interfering with the constitutional right to meet. Mistakes are often made, you do get mistakes made in sympathy with the hon. mover's objection to the number of laws that deal with the same subject, and I am glad that the hon. Chief Native Commissioner will be able to make an announcement in connexion with that portion of the Native Authority Ordinance to which the hon. mover has taken exception over a long period. When that has been dealt with, it will, I think, remove any conceivable complaint that might exist to-day. It is that part of the law that enables private meetings to be interfered with. I sympathize with his point of view on that.

I do not think I have anything else to say. The hon. Chief Secretary has very kindly drawn my attention to an article in *The Times* dated Monday, 1st December, a leading article dealing with the rights of man, and I think that in conclusion I might, with your permission, sir, just refer to two paragraphs in that article which I submit are relevant to the subject-matter of this debate. They deal with what is commonly known as "The Bill of Human Rights", and this is what they say:

"The conception of a formal declaration of human rights dates from the

[Mr. Foster Sutton]

eighteenth century, when it was particularly (though not, of course, exclusively) associated with the French and American revolutions. The famous declaration of 1789 defined the 'natural and imprescriptible rights of man' as being 'liberty, property, security, and resistance of oppression', it pronounced that 'political liberty consists in the power of doing whatever does not injure another'; and it laid down that freedom of religious belief and 'the unrestrained communication of thoughts and opinions should be assured, subject to responsibility for any disturbances of public order'.

The article goes on to say this:

"Here, however, another issue comes in sight which will call for the most earnest reflection. Political rights carry with them corresponding obligations; they can be enjoyed only by those who are prepared to exercise a large measure of self-discipline in the interests of social and political cohesion and in societies where this sense of cohesion is supported by a strong and well-established tradition. But the enjoyment of social and economic rights still more obvious and directly imposes on those who would enjoy them the obligation to produce what is requisite to make their realization possible". (Hear, hear.)

The debate was adjourned.

CENTRAL LEGISLATIVE ASSEMBLY

ELECTION OF MEMBERS

THE PRESIDENT: This will be a convenient moment to interrupt the business of Council and to take the ordinary short adjournment. But to-day, I shall not leave the chair. I must ask all strangers, including the Press, to withdraw from the hall, and official members also, while the unofficial members proceed to the election of members to the East African Legislative Assembly.

(Council adjourned at 10.55 a.m. for the purpose of enabling elections of members to the East African Central Legislative Assembly to take place, and strangers, Press, and official members of the Council withdrew.)

Council resumed at 11.35 a.m., and the Clerk informed the President that (1) at a meeting held on the 13th day of

January, 1948, it was resolved by the Elected and Nominated Unofficial Members of Kenya Legislative Council that the hon. Sir Alfred Vincent be elected a member of the East African Central Legislative Assembly as provided for in Section 19 (i) (iv) (a) of the East Africa (High Commission) Order in Council, 1947. (2) at a meeting held this 13th day of January, 1948, it was resolved by the Indian Elected Members of Kenya Legislative Council that the hon. A. B. Patel be elected, for appointment by the Governor, a member of the East African Central Legislative Assembly as provided for in section 19 (i) of the East Africa (High Commission) Order in Council, 1947; and (3) at a meeting held this 13th day of January, 1948, it was resolved by the European Elected Members of Kenya Legislative Council that the hon. W. A. C. Bouwer be elected, for appointment by the Governor, a member of the East African Central Legislative Assembly as provided for in section 19 (i) of the East Africa (High Commission) Order in Council, 1947.

FREEDOM OF ASSEMBLY

The debate was resumed.

MR. WYN HARRIS: Mr. President, I have known the hon. mover's attitude to the question of public assembly for some two years, and I admit his tenacity of purpose in seeking to bring this matter forward whenever the opportunity first occurred. I have not always admired the way in which he has done it, and I cannot say that I admired his speech the other day before this Council and I cannot congratulate him on it. But I can congratulate him on his tenacity and on the tactics he has used, and I will refer to that later. Why I did not admire his speech was that it was too vivid, he put his colours far too high; it was inaccurate in many details; it left out many key facts which changed the whole picture of the situation. It painted a Hogarthian picture of a wicked Administration, which was completely and utterly untrue. If you will recall the speech that the hon. mover made on the previous motion, he knew himself that that picture that he has presented of the Administration was a completely false one.

I do congratulate him, however, very heartily on his tactics. He made a

[Mr. Wyn Harris] moderate, helpful and constructive speech last week over a motion which amounted to a censure on the Administration, and he made it perfectly clear that he had confidence in the provincial administration of this country. I therefore can, on behalf of the Government, accept this motion because I do not regard it as a censure on the Government, but merely that the matter was put too high by a zealous and ardent supporter of freer public assembly. I would also congratulate him for agreeing to the adjournment the other day. By agreeing to that adjournment he did show that what he was trying to make was not a debating point, but the realization in Government's mind of African opinion over certain facets of public assembly. I also congratulate him on the fact that he has shifted his ground quite considerably I think, since I first knew his point of view. I think the incidents of last year have affected him as much as they have affected us all, and he now agrees that some form of control of public assembly effective control is necessary and for that reason again I feel on behalf of Government that I can accept the motion and I myself personally accept the motion with a great deal of pleasure.

I am not going to deal at great length with the policy in regard to public assembly in this country. The policy is perfectly clear, it means freedom of assembly compatible with law and order and good government. That is it in a nutshell. We in the Government feel, however, that there are two factors which are absolutely essential in order to achieve that in this particular Colony. We require, first of all, pre-knowledge of intention to hold public meetings, and, secondly, we must have power to control, and in cases where there is likelihood of a breach of the peace or disturbance of good relations, or something of that sort, we must have powers to prohibit. I am not referring to public assemblies called by responsible political leaders, or responsible leaders of African opinion, but we must control rabble-rousers. I use that expression deliberately. I refer to the rabble-rousers who enter into our reserves or towns and set fire to the incredibly inflammable material which ignorance, lack of education, excitability

and superstition breeds up in any native area at the present moment.

If anybody thinks I am putting this particular point too high that the African is inflammable material, let us just take the case of Fort Hall to which the hon. member has referred. As he said, there was a reserve which was going forward with the question of soil conservation, which was a credit to the Administration and represented the hard work of the Administration. By the Administration I mean all the agricultural officers, all the Administrative officers and all the other European and African officers who have served Fort Hall so well. One rabble-rouser made an inflammatory speech at a public meeting in Fort Hall, and this is roughly what he said—it was certainly not seditious, in my opinion: "If you continue putting in terraces in Fort Hall the Government proposes to plant these terraces with trees, and before you know where you are Fort Hall will be a forest reserve." That is not seditious, but the damage that that particular rabble-rouser did was incalculable.

We are handling the reserves I hope with fairness, with firmness, with justice, and with sympathy. Take Fort Hall. It happened to go up there shortly after the incident in Location 8, and the District Commissioner could see no light on the horizon whatsoever, due to the firmness shown in Fort Hall, and I consider, the justice. The last report of the District Commissioner dated 31st December reads: "Public morale. Official morale is definitely improving. At the Chiefs' course early in the month it was evident that all of them thought they were securely on top of events. There is much more marked respect throughout the district and the 'man in the market' is cheerful again and disposed to crack jokes, when three months ago he was sullen and dangerous." That, I feel, is some justification for the fact that we feel we must control public assembly. (Applause.)

I am going to give one other illustration of the need for control. I could give hundreds, but one case will suffice. Mr. Hammond, the Senior Veterinary Officer, introduced compulsory dipping, with the consent of the people of Nyeri, and it was going ahead well, when one man with a few followers, preaching that

[Mr. Wyn Harris] dipping killed cattle, not only stopped dipping in that location, but raised every other sort of trouble, and finally there was a serious attempt to kill the chief of that location in front of the Local Native Council hall. If that sort of thing does not need control I do not know what does.

Freedom of assembly, freedom of any type, brings responsibility. That responsibility is that the political activities of conveners of meetings should not injure others. I can assure you that lack of responsibility among our rabble-rousers is evident everywhere. They will do anything which they think they can get away with, and very often they are able to get away with it because we cannot prove anything through lack of evidence.

There are critics who say why cannot we have an alternative to the present control of meetings, and who ask why cannot we have an intelligence service for every meeting, so that that intelligence can tell us when an offence has been committed. Taking the four cases mentioned by my hon. friend, I would just ask you to think for a moment. How are we going to cover every single public meeting in this country, each with two or three literates who can give exact information as to what was said at a public meeting, particularly when they have no previous knowledge that a meeting is going to occur. One meeting quoted by my hon. friend occurred at Kilungu, right away at the back of Kibwezi. The other was at Malakisi on the Uganda border. Another great objection to prosecution in every case when people make seditious utterances is that it creates martyrs. A man in the heat of the moment can say all sorts of things which he would not say at another time, and it would be unfair that we should run him. The utterance has already been made and the damage done, and it is a very poor solution to run the man and make a martyr of him.

I would further say that if we were to create sufficient police intelligence in this country to cover every seditious public meeting likely to occur, we would be creating a Police State, with half the population becoming policemen spying on the other, and the situation would be far more objectionable than the very

moderate control which the Government maintains with regard to public assembly.

In the past control has been exercised by section 8 (h) of the Native Authority Ordinance, and I would just read it so that people know just what it says: "A headman may from time to time issue orders to be obeyed by the natives residing or being within the local limits of his jurisdiction for any of the purposes following:—(i) prohibiting natives from holding or attending any meeting or assembly within the local limits of his jurisdiction which in his opinion might tend to be subversive of peace and good order."

In future I am happy to say that we propose to work under section 33 of the Police Ordinance, as has already been announced. The Government considers that it is quite immaterial how control is effected, whether by the Police Ordinance, which applies to all races, or by this Ordinance. We are satisfied, and when I say we are satisfied I mean the men who have to carry out the work—that is to say the District Commissioners, the Provincial Commissioners, the Members for Law and Order and myself—that we have adequate safeguards for our purpose, not only in the native areas but elsewhere, in section 33, and so I propose in future to ignore section 8 (h) of the Native Authority Ordinance.

I think it is fair to give Council the reasons for this decision. The first one, which has been mentioned by the hon. Attorney General, is that it is undesirable to have two laws along the same lines dealing with the same subject. It leads to a great deal of confusion and leads to a great deal of misunderstanding, as you will see from the many cases which arise from that fact. Also there is the desire of Government, and particularly of those who are dealing with native affairs, not to retain legislation which is not absolutely necessary for the good government of the African when there is a strong body of opinion against that particular legislation. But let me make it perfectly clear that there is no question of removing legislation which we consider necessary for the good government of this country.

The acceptance of this motion by the Government, I feel, calls for some

[Mr. Wyn Harris] evidence that we really do mean what we say. We do not want to have more control than is considered absolutely necessary for good government. For that reason, and because the hon. mover has agreed that, although he does not like section 33 he is prepared to accept it, we considered we should do something about 8 (i) of the Native Authority Ordinance. I am therefore authorized to say on behalf of Government that we do not propose to use section 8 (i) in future, and when opportunity occurs to remove that particular section, which will occur in the middle of the year, when we come to the African District Councils Ordinance Government will suggest to this Council that that particular section of the Native Authority Ordinance be removed. (Hear hear.)

Make no mistake, there is absolutely no change whatsoever in Government's policy in this matter. Assemblies in public places can only be held with the licence of the authorities, as laid down in section 33 of the Police Ordinance. In spite of the hon. mover's allegations that things have not been right, in the native areas particularly section 33 of the Police Ordinance will be administered with the same justice, the same forbearance and the same impartiality as section 8 (i) of the Native Authority Ordinance has been in the past.

I want to make it very clear that my hon. friend the mover, and to a certain extent my hon. friend Mr. Ohanga, can take a great deal of credit for this conversation, and I hope that they will not allow a large number of these loud-mouthed rabble-rousers to take credit where the credit lies with the responsible leaders who have pursued this policy of bringing this matter to Government at every possible opportunity. (Applause.) I am very pleased to pay tribute to my hon. friend. He has taken a tremendous amount of trouble, as you can see from his speech. Although I disagree with him on every single thing he said in his speech, I do agree that he has proved to me that he feels very strongly, and that every moderate African also feels strongly on the matter.

I am going to deal with the hon. member's speech and I am going to demolish it. It was too frightful a picture

of the Administration to be allowed to pass unchallenged. First of all, it is quite wrong to say that section 8 (i) was introduced in 1937. It was introduced in 1922 under the old Native Authority Ordinance and was merely repeated in the 1937 Ordinance, and to my certain knowledge it has been applied fairly consistently right throughout the Central Province, certainly since I have had anything to do with that province. You will find various orders under it in the old chiefs' orders books. I would also make the point that it is only used, or has only been used to a very large extent, to prohibit meetings in the Central Province and in the two big towns. I believe—and I rather challenge the hon. member Mr. Ohanga—it is not used very much in Nyanza, and I personally know of no single case where prohibition has in fact taken place under 8 (i) in the Nyanza Province. There may have been some but I do not know of them.

The next point I want to make is the golden age of assembly that occurred some time before the opening of this century, when everybody could meet under the trees and in the forests and in the caves, and everything in the garden was lovely. I cannot go into the native custom of the matter—in fact, I do not know the native customs of half the tribes of this country—but you cannot really make any comparison between present times and 1890, and I can assure Council that the hon. member is certainly quite wrong with regard to one tribe, and that tribe is the Meru, where the trouble occurred, because I took the trouble when that case came to my notice to get in touch with Chief Mtu M'Gani, M.B.E., who is the acknowledged leader of the Meru people and whom nobody could possibly say did not have their confidence. He assured me that this is the custom with regard to Meru. I will come back to it later. They have the Nyon system or ruling age grade system, which age grade has certain places for public meetings. I believe Mariene is one, and no one who is not a member of the ruling age grade has any right whatever to call a public meeting in such a place of public assembly unless he gets the permission of the ruling age grade, and the punishment for attending such a

[Mr. Wyn Harris] meeting without permission is payment of one ox. So the golden age of assembly did have certain difficulties, in certain tribes anyway.

We also heard that section 8 (i) of the Native Authority Ordinance was really unjustly and severely administered. What I cannot understand is that no one seems to see the incongruity of Africans standing up in meetings of anything up to 15,000 strong and telling the cheering crowd that they have no right of public assembly whatsoever. The thing to me is so ludicrous that I quite frankly do not understand it.

Now, how was 8 (i) administered in the Central Province? May I read from a directive to District Commissioners that I issued myself when Provincial Commissioner, Central, and which I have referred to before? This is what I said as regards this section: "Where a meeting has been forbidden the promoters should be informed that they can appeal to the District Commissioner unless the District Commissioner has some reason to believe that the meeting will be seditious or subversive of good order. He should allow the meeting to take place, but in some specified spot in the district where, if necessary, he can send observers to it." That does not sound to me particularly like the Gestapo. It may to others. As far as I am aware, and I may be wrong in this—

I do not want to overstate the case—I do not know of recent years, where any private meeting under this particular section has been forbidden. If there have been any I should be only too glad to hear of them because I personally do not know of them. In addition, I am quite satisfied that in the Central Province all those customary meetings which occurred in the "golden age" have been allowed consistently throughout the time that this section has been in being, that is to say, the ordinary clan meetings, the ordinary customary African meetings have gone on the whole time in the native areas. I do not think that can be disputed. But meetings, such as that little group of gens who call themselves the "Nyeri Helping Association" who publicly advocated the killing of police informers, have been banned. This association was banned the other day at Nyeri, and the Provincial Commissioner,

Central Province, will keep that ban on. If anybody cares to stand up in this Council and say that that is oppressive I shall be very glad to hear it.

The hon. member brought against the Administration four specific cases of maladministration under section 8 (i) of the Ordinance, and I think it is fair for me to assume that, considering he has been pushing this matter for nearly two years, they are the four worst cases he could possibly find, and he made a very good story of each one of them. At the cost of boring the Council, I propose to go through these cases in some detail, so that you can see some of our difficulties. I may have to repeat one or two facts which the hon. Attorney General mentioned.

I am going to take Meru first, and it is quite frankly the most difficult of them all, because I have to admit—and I do not like having to admit it—that the District Commissioner was guilty of one error in law, and one error I think in tactics. But, as I claimed credit in the last debate for what the district field Administration did, so, as a senior officer of Government very closely connected with this case, I propose to take my share of the blame for what happened at Meru.

As you know, as Provincial Commissioner I gave a directive on section 8 (i). Obviously no chief could prohibit a meeting unless he knew it was taking place. So I gave an instruction that any person who wanted—a meeting—and when I gave that instruction it had in fact been the custom to put it in writing so that the chiefs knew where they stood—should make application to the chief first, and if he did not make that application it would be assumed the meeting was forbidden. Later in the Embu case it was held by the Supreme Court that that order was *ultra vires*—I see the hon. Member for the Coast making a note, but if I had had in that instruction quoted section 33 of the 1930 Police Ordinance and not section 8 (i) of the Native Authority Ordinance, I would have been legally correct.

MR. COOKE: You were clever to have thought of it!

MR. WYN HARRIS: I was clever enough! (Laughter.)

[Mr. Wyn Harris]

In this directive I said something which I have read before and will again, and it shows that I have got to take the blame. I said, "Political unrest will slow up all our efforts at progress and if we are to make mistakes with regard to the handling of the situation, at least let our mistakes be those of commission and not of omission."

Well the District Commissioner of Meru made two mistakes of commission, and I am very proud to align myself alongside him. The first mistake was that he should have realized that he should not have taken that case himself because he was an interested party, and, secondly, I think he made a tactical, not moral, error in attending the meeting and then afterwards prosecuting the people for committing what I believe to be a clear offence. Here the hon. mover was not altogether fair. The matter was reported immediately by the District Commissioner to the Provincial Commissioner who spotted that the cases could not be legally supported and it was on the motion of the Provincial Commissioner himself, after consulting me, that the cases were reversed and that was soon after the incident occurred.

Before I go any further there is a point I should like to clear up over the Meru case, the position of a member of Legislative Council. I know the hon. member will agree that there has never been any question of hindering members of this Council addressing the African community, particularly the African members. But the point is this. In the remote and rather backward areas, when a member goes there for the very first time and if he is, if I might suggest, ignorant of what the custom is, or anything else surely some warning to the District Commissioner that he proposes to hold a meeting or some warning to the elders or some word to the chief that he proposes to hold a meeting, would have obviated the sort of trouble that occurred at Meru. It is not fair to suggest that an iron hand prevents any member of Legislative Council meeting responsible elders, or respectable and responsible Africans. I go further. The Administration has done everything in its power to assist both the African members of Legislative Council to get

in touch with their constituents, and I know the hon. mover will bear me out that we have done nothing to give the impression that the Administration has not always made it possible for African members to get in touch with their constituents and the local native councils. They even have their travelling expenses paid to enable them to get about the country.

Having said all this, I want to come back to the question of these three cases which were reversed at Meru. It may sound astonishing, but having had them reversed the Provincial Commissioner and myself spent a long time debating whether the persons concerned should not again be prosecuted, not because we felt they should not escape unpunished but because they had all been guilty of a gross offence against Meru custom and we did not think they should get away with it. The only reason which kept us back was that we did not wish to appear vindictive.

Now look at it from the point of view of a District Commissioner—of the District Commissioner, Meru—in a remote country area and see if anybody would have handled the matter differently or if he did discharge his duties to the Administration. He administers a tribe that has the age grade system in its entirety, and that system is accepted by the whole of that particular tribe with the exception of a few young men back from the war with more progressive ideas. The ruling age grade rules that particular tribe for ten years, and as the old grade is about to go out and the new one comes along friction springs up between them. Anybody who knows the system, particularly that of the Masai, knows that is true.

There happened to be a young man, I will not mention his name, who felt very strongly on the subject of the ruling age grade, and started to make a nuisance of himself in several ways. The first thing he did was to open an unauthorized school at a place called Mariene, and was prosecuted for opening it under the Education Ordinance, and convicted. The next thing that happened was that the District Commissioner heard early one Sunday morning that this young man had called a public

[Mr. Wyn Harris]

meeting at the same place, a meeting which was completely contrary to native custom and punishable by native custom, and which the age ruling grade had the right—and here again I quote Chief Mu M'Gani—had the right to send men to break it up by force.

The District Commissioner went along whether he then knew that the hon. member Mr. Mathu was to be there. I do not know. Mr. Mathu was obviously misled because when the District Commissioner got there my hon. friend said he had no knowledge of a public meeting but had come to meet friends at Meru. But this young man, which the hon. member did not know, had in fact called a public meeting. The proof of it was in the handbills, and a band played from the illegal independent school which should have been closed down, the arrival of two lorry loads of people, and a statement from the convener that the meeting would not take place until 2 p.m. The District Commissioner stayed, and they had the meeting, though I have no doubt at all that he should have taken the attitude of walking out of the meeting and then taking action. But as he is the father of his district and responsible for it, he felt he could not leave it to look after itself, and he decided, wisely, to hear what it was all about, and he then went away. Possibly having done that, it might have been advisable to say it was not a very good case, and that as he had sat at the meeting he had no intention of prosecuting. He did prosecute, and I can assure you that not only did they commit an offence under section 33 of the Police Ordinance but also under native law and custom.

That is the most difficult case I have to answer, and I would add this, that that particular convener having got away with that one was not content to stop there. He is at present doing five weeks hard labour for assaulting his chief, and that case was not turned down by the Supreme Court, so that it does not look as if the District Commissioner was very wrong when he suspected that the meeting convened by that man was not likely to lead to peace and good order in that particular area.

I am sorry that I have to deal with these cases at length, but I feel I have got to. Now let us take the Embu one. Here again it is interesting to note that out of these four cases the trouble in three had nothing to do with Government at all; there were rows in native areas between Africans where the District Commissioner had to keep the peace.) In this case an African applied to the local native council for permission to put up a mill. A certain clan claimed the land was theirs and that the applicant had no rights. The District Commissioner followed the usual practice and said to the clan: "If you consider you have the right to prevent this man putting up a mill, kindly go to the local tribunal and prove your case and the man will not put up the mill." They did not do this, and the application then went to the local native council and the mill was erected with the council's advice and permission of the District Commissioner. Upon that, the clan called a meeting at which they would decide how they were going to forcibly evict the owner of the mill.

The District Commissioner got to hear of this and was seriously perturbed that it would lead to a breach of the peace. He did nothing about that particular meeting, but when three weeks later the clan made application for a public meeting for the declared purpose of discussing soil erosion he, not unreasonably, thought something to do with the mill might come into it, and orders were issued by the chief forbidding that meeting. Two tribal policemen and the chief attended to see the meeting did not take place. It did take place in front of them, and prosecutions eventuated, and five or six were convicted.

Now here again, my hon. friend was not altogether fair. He referred to the judgment in the Embu cases, and gave the impression that these cases were reversed. What he omitted to say, and it was unfair that he did, was that every single one of these convictions was upheld and only one sentence was reduced from four to three weeks imprisonment.

I will deal with the Kilungu case. I found it a difficult case because I had not heard of it until Friday, and Kilungu is a long way away. I have managed to

[Mr. Wyn Harris] get on to the District Commissioner and District Officer in that particular area. To show that it was not a serious case the District Officer had the greatest difficulty in recalling what happened, but this is roughly the story, and if I am wrong in any detail I hope the hon. member Mr. Mathu will forgive me.

A certain man, youth versus age, had started intriguing against authority in the area and alleged corruptibility against the native tribunal. The District Commissioner reported to the Provincial Commissioner, and a full investigation was held into that particular tribunal. The Provincial Commissioner was not at all certain that there was not some thing in the allegations. In consequence, he suspended the tribunal and was preparing to order a new one to be formed. But this gentleman, not content with that, called a meeting in order that he himself might appoint a tribunal, and to show exactly how law-abiding that particular meeting was, every single Government African servant in the area was debarrued from going to the meeting. The District Commissioner took no action against that particular meeting, not when he attempted to hold a further one for the same purpose, he was prosecuted, and the people assisting him, and convicted. As far as I know, they did not appeal, and the District Commissioner reports to me that in that area, since that happened, everything is quiet, and that particular man is now co-operating and behaving himself.

Now I come to the last case, and this is, I think, the gem of the collection, Malakisi in the North Kavirondo District. When I heard that people there had been fined these incredible sums for shouting "No" at a District Commissioner, my mind went back twenty years when I was a junior officer there. If the District Commissioner was to fine every body in that particular district for shouting "No," they would spend most of their time doing it, and a good robust public meeting is not to get out of after considerable trouble! I do not for one moment suggest that trouble is generally directed against the District Commissioner. In that particular district there are fourteen tribes, and heaven only knows how many clans, and things are usually active at meetings. We had a

particularly stalwart District Commissioner at Kakamega who had his ruger blue for Cambridge, which you may regard as lucky in the light of what took place at Malakisi. There were two occasions when the people at Malakisi shouted "No". If anybody doubts what I am saying, I saw the District Commissioner yesterday personally.

The first occasion occurred when a sub-headman of one of the clans was elected at Malakisi. A very nice party was had at the election, and as far as the District Commissioner remembers there was a unanimous election and a unanimous nomination. The District Commissioner then retired to his *bunda*, and was partaking of lunch when he discovered that a minority had assembled outside dealing with the newly appointed sub-headman, and a merry little riot was going on outside his hut, with the sub-headman in the middle of it getting the worst of it and attempting to come into the hut to take refuge. The District Commissioner had no police whatever, so he went into the little riot himself, and dealing rather savagely with the leading gentleman knocked him down and rescued the sub-headman, whereupon the riot subsided. There was no action taken in that particular case. (Laughter.) I am quoting it to show that when the District Commissioner described the next baraza at Malakisi as "no unusual uproar" he knew what he was talking about.

The next occurred when he attended a local native council election, which is always fairly lively. Officers do not go round with large numbers of police, and this District Commissioner went with one tribal policeman to attend the meeting, and this is where the shout of "No" occurred. He held this meeting, and two people put up for election and one got in by a clear majority. He made the announcement, whereupon what he calls "no unusual uproar" occurred, shouts and screams from people waving sticks but not using them, and the whole thing went on for a quarter of an hour. Neither could he make himself heard or stop the row, and then he became seriously perturbed lest there should be a riot. In consequence, he retired, as he thought the best way would be to get away because the meeting might then quieten down. Instead of rushing into a prosecution he first consulted the African

[Mr. Wyn Harris] executive officer of the local native council who had been present and who expressed in strongest terms his disgust of the unlawful assembly, and he then consulted the members of the local native council and the local native council of Malakisi, all of whom said the offenders should be prosecuted and discipline restored. They were all given swinging fines.

Now those are the four cases on which these allegations of wickedness are based, and I appeal to the fairness of this Council in saying that I have discharged my duty in demolishing the speech of the hon. member (Hear, hear.)

MR. COOKE: Mr. Chairman.—

THE PRESIDENT: You are out of order!

MR. COOKE: I am sorry, Mr. President (laughter), the hon. Attorney General accused me a few minutes ago of smiling, but I can assure him that that had nothing to do with the fun which I experienced on Friday when I noticed the whinnies and goings, the alarms and exclamations, as the hon. African Member, Mr. Mathu, unfolded his indictment against those two officers on the other side of Council. In fact, so excited did they get that they almost tipped my hon. friend the Financial Secretary from his chair, and he very prudently left that chair and took refuge in the quiet atmosphere of the hon. Member for Agriculture! (Laughter.) But what it did teach me was this, that my fun was nothing that could be compared with the hilarity which must have been experienced by the large number of the supporters of the hon. member, Mr. Mathu, in the hall who saw two of the principal members, two of the most important members, of Government caught bending and receiving the whacking which the hon. member, Mr. Mathu, so well administered (MEMBERS: Nonsense!) Wait a moment!

Then the hon. Attorney General had to get to his feet and confess that he had not read the memorandum which the hon. member, Mr. Mathu, had circulated six months ago. (MR. FOSTER SUTTON: Not to me.) I am just coming to that. It shows exactly the liaison which exists between the Secretariat, which received it, and the hon. member. If there

is required any example of chaos and inefficiency surely this is the best example I could give this Council! Here it is this very important document, which contains everything the hon. member, Mr. Mathu, said on Friday—(MR. WYN HARRIS: It does not.—It contains more, and a lot of expressions he was perhaps wise enough not to use in this hall on Friday. (MR. FOSTER SUTTON: Order, order!))

This document is a very strong indictment of Government. It no doubt must have reached the Secretariat in July, 1947, and after six months one of the principal members of Government, has to confess that he had never even heard of the document. That document uses some very strong expressions, many of which the hon. member, Mr. Mathu himself, repeated on Friday, and I am sorry that the *East African Standard* omitted to publish those expressions, because I think it is a good thing for the Europeans of this country to know what was written. It received banner headlines in the Indian and vernacular Press, and no doubt the enemies of this country are gloating now over some of the expressions the hon. member used.

He said there was a feeling of hate, a feeling of frustration, that Africans bitterly resented this and that, that they met in caves and, in the depths of banana groves, whispering and cursing the Europeans, and it goes on to say: "Their principal object is the destruction of British authority." And, mark this, this was written in July: "these representations would be bound to burst out with the usual unhappy consequences for all". If the hon. Attorney General had read that memorandum he could then have taken the attitude which he has advised Government to take to-day, and would have, perhaps, sent out an order or caused to be sent out instructions to headmen to be a little more tactful when they dealt with these people who wanted to hold meetings and, possibly, though he once can say, the riot in Location 8 where lives were lost might never have taken place. (MR. WYN HARRIS: Nonsense!) He knows more about it than I do. (Laughter.) (MR. WYN HARRIS: I hope I do.)

This is what the hon. member, Mr. Mathu, warned Government might happen, and it did. I do not envy the two

[Mr. Cooke] gentlemen opposite when questions are asked, as is probable, in the House of Commons. I do not know what Government will say and what the Secretary of State will do, because here is a very good example of a distinct warning given and no action taken on that warning for, like so many other documents, it lay in the Secretariat for six months. A distinct warning was given and no action was taken. These gentlemen, and these alone, are responsible for this debate taking place. If they had reasonably said to the hon. member, Mr. Mathu, "We will deal with these points you have brought up. We think they are written in exaggerated language or we do not think so, but we will deal with them", there would have been no need for this debate.

It is a typical example of that delay which is so typical of Government today. I was talking to a very senior officer of the Government before I came into this room, who told me "The only thing I objected to in your motion the other day was that you said you had only recently been suspicious of Government. As long as I know there has been suspicion of Government" I was talking to an M'kamba -

MR. FOSTER SUTTON: On a point of order. Several occasions of this sort have happened in the hon. member in order in quoting private conversations between him and his friends in this Council? He has done it to me before.

THE PRESIDENT: Does the hon. Member for the Coast wish to address me on the point of order?

MR. COOKE: If the hon. member objects -

THE PRESIDENT: Do you wish to say anything to me before I rule on the point?

MR. COOKE: I have nothing to say except that it is the custom of Council. The hon. gentleman himself more than once has told us, and the hon. Chief Native Commissioner, what chiefs have said and various other people and district commissioners have said. I have just as much right to quote as they have.

MR. VASEY: Surely the case is founded on the fact that the conversation is with a senior Government official supposed to be a responsible member of the Council

who is at the present moment sitting on the benches opposite?

MR. COOKE: He is not a member.

THE PRESIDENT: As you have asked me to rule in this matter, several things have been done in the course of speeches here when I hesitated to intervene of myself because I am always met with the answer that it has been the custom. But the strict rule, as I have said before, in speaking to a motion is that the member should be relevant, and how these conversations become relevant is beyond the wit of man almost to understand.

MR. COOKE: If you rule, sir—

THE PRESIDENT: One moment.

MR. COOKE: On the point of relevance—

THE PRESIDENT: With regard to this morning, the hon. member has quoted a memorandum. It is a document which has not been laid on the table—

MR. COOKE: It was quoted by the hon. member, Mr. Mathu.

THE PRESIDENT: But it has not yet been laid. It ought to be laid, it should be here, the same as a document in court, the same principle.

MR. COOKE: I submit with all respect that, if you permit this document to be mentioned by the hon. member, Mr. Mathu, without calling him to order, I have every right to quote from the same document.

THE PRESIDENT: You are wrong. The hon. member, Mr. Mathu, should have laid it, and until it was laid you could not know anything about it. In your private capacity you have had private conversations which you have brought into the debate, and I rule that they are not in order.

MR. COOKE: You have entirely misunderstood the trend of the argument. The hon. member, Mr. Mathu, submitted a memorandum, which is a fact beyond dispute, and my argument is that that memorandum was not taken notice of by Government and the other side of Council—it was left in the Secretariat for six months, and it is admitted by the hon. Attorney General that he never saw

MR. FOSTER SUTTON: On a point of order, the hon. member has deliberately misrepresented the facts. I got up on a point of order because he chose to mention here a private conversation he had with a high Government official as he walked into this Council, and I asked if it was in order for any member to mention private conversations in debate.

THE PRESIDENT: I have already ruled that it is out of order.

MR. COOKE: You brought in the question of the memorandum.

THE PRESIDENT: I know, I had to in ruling.

MR. COOKE: I accept your ruling.

THE PRESIDENT: If you cannot accept my ruling I shall have recourse to more stronger procedure.

MR. COOKE: I accept your ruling with great reluctance. The hon. member, Mr. Mathu, will certainly, I think, from this debate learn the value of a long spoon when supping with the devil, because on Thursday he told us he always received the greatest courtesy from members of the Secretariat on the other side of Council, and on Friday, in terms of the greatest severity indirectly criticized them. He cannot, of course, hope one day to hunt with the Secretariat hounds and the next day to run with the vernacular hares! He cannot say on Thursday that he was most courteously treated by these gentlemen and the next day give an instance of gross discourtesy when his memorandum was entirely ignored, so that he must have learnt from this debate what trust to put in the gentlemen on the other side of Council.

The hon. Chief Native Commissioner has come forward with a lot of *ex parte* statements. I personally have no reason to disbelieve what he said, but it is really a case of his word against what the hon. member, Mr. Mathu, said. Mr. Mathu's information is one thing and the Chief Native Commissioner's is another. One thing does seem to me to emerge both from the speech of the hon. Chief Native Commissioner and from the speech of the hon. Attorney General and that is there is a state of chaos in the native area. Otherwise these meetings would not take

place which the hon. member confesses do take place. If the ordinary Africans had as much faith in their district officers as they have in the agitators, then these meetings would not take place. (MEMBERS: Nonsense!) I hear hon. members say "nonsense", but that is a fact. If they had more confidence in their district officers than they have in the agitators, these meetings would not take place because they would be very reluctant to do so. I think that is a matter with which most people with any common-sense would agree.

It was very gratifying to me personally to hear that the motion had been accepted, but it is rather double-edged. The hon. members say they will not use section 8 (f). I think it is, but will put in force the Police Ordinance. It is rather a case of giving with one hand and taking away with the other, but nevertheless I think this debate has done a lot of good in ventilating and bringing, as it will, to public notice what the position is.

Believe it or not, I am very anxious to promote good race relations and I am, as I said before, a promoter of two of the biggest race relations institutions in this country, and there is nothing I want to see more than the restoration of good race relations (hear, hear), and that can only be done—I am glad of that applause—if the hon. member and the rest of us get together and try to find out what these African grievances are. He admits there are grievances; he admits there is unrest. The hon. member, Mr. Mathu, may think these grievances are due to the prohibition of public assemblies. I think they may be due to something else, but they are there, and the sooner we get down to getting these grievances redressed the better it will be for all concerned.

It is no use the hon. Attorney General looking so disgruntled (laughter); that is a fact, and he is the man who is responsible for ending this state of affairs. I do beseech him, because, if I may say this tribute to him as a colleague on the Civil Service Board and many other boards, he is a man of tremendous integrity and a tremendous sense of equity—that when he is dealing with these matters he will try to give more consideration, if he can, to the African point of view. He is inclined, and naturally so, because he comes in contact more with

[Mr. Cooke] his European colleagues, to hear more of their side. If he himself could go round these native reserves he might get a better idea of what is going on.

With those words I support the motion.

SIR ALFRED VINCENT: Mr. President, I think that this motion has done one thing, it has made it quite clear the great necessity that there is in this country for an increase in a sense of the responsibility of citizenship. (Hear, hear.) I am not going to say very much, but I must get this position cleared up, because we have been drifting, as we drifted the other day, from the very simple wording of a motion to what almost became a vote of censure, and this one in a lesser degree.

I understood from the hon. Chief Native Commissioner that Government were satisfied that the Police Ordinance, 1930, section 33, would give them complete and adequate control over all public meetings in this country, no matter by what community they are held, and also, as I understand it, that the removal of section 8 (f) will not in any way destroy the possibility of controlling all public meetings. I make that point quite clear, because if Government do not feel that they should do it, I should like them to say so. We must be very careful when we vote on this motion that we know what it really means, and the meaning that I attribute to it, and I am certain my colleagues are of the same opinion, is that while Government are asked to remove all restrictions that are not essential to good government, they should nevertheless retain complete control of public meetings in the interests of law and order. (Hear, hear.) That is the only meaning that I put upon this motion.

I asked the hon. member a question during the interval, and he has assured me that he does not disagree with the Police Ordinance, 1930, he is in agreement with that and his quarrel is not with it. Therefore, if that is so and if Government are certain that under that ordinance they have adequate powers, then I am perfectly willing to support the motion, on that clear understanding only. That is all I have to say.

MR. PATEL: Mr. President, what emerges from this debate is that there is no quarrel about the terms of the motion before the Council, but the hon. member

and the Government benches do not see eye to eye in regard to the facts which have been marshalled in regard to this motion.

It is very difficult in a multi-racial society like ours, at different stages of civilization for Government to maintain on occasions law and order. It is very essential in a country like this that Government should take steps to see that law and order is not upset. At the same time I should like to say this. In the administration of any law or regulations for the holding of assembly or attendance at these assemblies, there should be no racial discrimination. I personally would feel this way, that in these modern times, particularly after the second world war, there is a tendency in all parts of the world for authority to be initiated, even over small things, and at times the Government may feel impatient at those who criticize them, and therefore unconsciously and unknowingly they sometimes take measures which may not be found necessary. If that is so, it would be the duty of those who administer the law to see that steps taken against any people who hold an assembly or attend an assembly are not due to impatience.

At the same time I would certainly say that where there are racial groups, as there are in this country, it is essential on occasions for Government to intervene to see that racial feelings are not excited and that the situation is not made worse by preaching racial hatred, whether it be among Africans, Indians or Europeans. Steps must be taken to see that racial hatred is not preached. (Hear, hear.)

I do not desire to take up the time of Council beyond saying this, that on occasions these meetings serve a very useful purpose by acting as a safety valve. It is no use driving the opinion of people underground. It should be allowed to be expressed openly as long as it does not challenge law and order. I hope that Government in accepting this motion, which in my opinion from the speeches made is acceptable to everyone, will take necessary steps to implement it when it is required in the motion: "that this Council is of opinion that Government should clearly state its policy with regard to public assembly". I think the hon. Attorney General has very rightly stated publicly the policy which the Govern-

[Mr. Patel] and I hope that the Administration will follow that policy faithfully. The second part of the motion: "particularly as it affects Africans, and to remove all restrictions which are not essential to good government" cannot reasonably be objected to.

However it may be defended, after hearing both sides in this Council, I feel that section 8 (f) of the Native Authority Ordinance is one which requires repeal, and to that extent it means the removal of restriction which is not essential to good government. I can speak from my own experience in India when I say that the chiefs and headmen are not in a position to exercise their discretion fairly, and they are liable to look upon a situation unnecessarily gravely when it does not exist. They are liable to treat every meeting as a challenge to law and order, and therefore I think that that power is more likely to be abused than used fairly. Therefore I support this motion without necessarily identifying myself with any of the facts marshalled in support of the motion.

MR. VASEY: Mr. President, I, too, should like to say how glad I am that Government has found it possible to accept this motion, and to associate myself with the remarks made by the hon. Member for Nairobi South. I, too, feel with the last speaker that the time has come when section 8 (f) should be repealed and there should be general action under section 33.

Having said that I should like to say one other thing. It is with great regret that once again I have to disassociate myself from some of the remarks made by the hon. Member for the Coast (Mr. COOKE: No need to be sorry?) I have very great respect for his intelligence, but I cannot help feeling that at the present moment he is suffering from a misdirection of that intelligence. He has quoted—and I trust that as he has quoted it you will allow it to be referred to—a paper called *The Daily Chronicle* and its headlines.

MR. COOKE: On a point of order I did not quote. I said there were headlines. The hon. member always comes up with his quips and cracks that nobody has an opportunity of answering.

THE PRESIDENT: We have had the interruption; now let us have the speech.

MR. VASEY: If I may point out, it is very difficult to answer the hon. Member for the Coast until the hon. Member for the Coast has made his speech. (Hear, hear and laughter.) If I may be permitted—(MR. COOKE: Those are your tactics)—if I may be permitted respectfully to say it, said the hon. Member for the Coast not what he did, I should not be on my feet at the present moment.

The hon. Member for the Coast quoted headlines from a paper, stating that those headlines were causing mischief. Those headlines, as he quoted them, said that the Africans met in caves to curse the Europeans. That is not the complete headline.

MR. COOKE: On a point of order again, I never quoted any headlines. I was talking about the hon. member Mr. Mathu's speech when I talked about the Africans' meeting. I simply said there were headlines in the paper.

MR. VASEY: I am open to correction if Hansard proves I am wrong, but I made a note of the headline and I presume a headline is in the paper. The hon. Member for the Coast stopped short. The headline went on to read: "to curse the whites and headmen", so it was not a matter of meeting only to curse the Europeans. I am going to suggest that if people have to talk about the mischief that is caused by some of the remarks made in this Council, they should have studied the headlines in another paper, in the African paper the *Radio Post*, after the regrettable debate of last week, when in banner headlines the paper was able to quote an hon. member of this Council as having said that the Government, which is European and British in constitution and character, had cheated the Africans. I suggest—

MR. COOKE: I never made any such remarks.

THE PRESIDENT: He did not attribute any such remark to you.

MR. COOKE: The hon. member, with all due deference, is insinuating that I made those remarks. I never made any such remarks.

THE PRESIDENT: I do not think that is the case myself.

MR. VASEY: I do not withdraw anything that I have said. (Hear, hear.) If the hon. member is prepared to let the shorthand writers, with their accuracy, to read out what he said he will find that I said "a member of this Council". If the hon. member takes the responsibility, that, Sir, is not my fault.

It has come back to this, in my opinion, that again we are prepared to attack the policy of Government. I believe that the policy of Government in using the restriction of the right of assembly under the particular clause: they chose was wrong, but I am not prepared to attack their integrity.

I have pleasure in supporting the motion, having regard to the qualification placed upon it by my hon. friend the Member for Nairobi South and having regard to the excellent speeches made by the hon. Attorney General and the hon. Chief Native Commissioner, and to express my hope that the refutation of facts contained in their speeches will receive the same publicity in every section of the Press of this country as the other statements receive. (Hear, hear.)

MR. RANKINE: Mr. President, one hon. member has expressed some apprehension as to whether the Government will retain sufficient powers to control the situation. I should like to give the assurance that the hon. member asked for, and that is that the Government will not abandon any powers which it considers to be necessary to control the situation in the interests of good government. (Applause.) At the same time, I should like to make it clear that it is the intention of the Government to repeal the section under the Native Authority Ordinance to which reference has been made.

Finally, I am sorry that the hon. Member for the Coast took the opportunity of speaking in this debate after the members on this side of Council who are intimately concerned in the matter had spoken. (MR. COOKE: Another lecture!) It does seem to me that it would have been fairer to have made those remarks earlier in the debate, in order to give the Government members who are concerned with this matter an opportunity of replying to them. (MR. COOKE: I am adopting Government tactics.) I say that because I think it is only fair, and it shows a proper

respect to the Council, and particularly to members on the other side, that matters that are raised in the debate should be adequately replied to. Otherwise I think members have some cause for complaint.

MR. COOKE: On a point of order, is the hon. gentleman not fully competent himself to reply to me?

THE PRESIDENT: As the hon. Member for the Coast knows well, no member is entitled to speak more than once.

MR. RANKINE: Therefore, may I suggest, with all due respect to the hon. member, that if they would speak a little earlier, before the members who are replying have spoken, it would in their own interests ensure that they get an adequate reply.

MR. MATHU: Mr. President, I shall not have a lot to say because I feel that the Government has met the African case here by accepting this motion, and I should very much like to congratulate Government in doing so. I do that because I know that by Government accepting this motion, and if they implement what they say, and I am sure they will, it will improve the relationship between the African and the Government of this country. For that reason therefore my speech will be short.

The hon. Attorney General made a speech to prove that most of the facts that I put before this Council last Friday were inaccurate, and that speech was naturally supported by my hon. friend the Chief Native Commissioner. If I started to prove my case with the facts as I put them forward, which were accurate because I got them from the African people who were on the spot and who saw everything, it would inevitably prolong this debate and even make another motion. I do not intend to do that. What I should like to say is that the cases I cited and the facts I put forward from the African point of view—put it that way—are accurate. It is perhaps very difficult to convince the Government that facts put forward by the African are accurate; then I think it would be useless for me to attempt to try and convince Government that I did not give any facts knowing that they were not accurate.

One point I should like to emphasize is that in the case of Meru the District

(Mr. Mathu) Commissioner not only got the people together when I was there, to come and see me, but he also presided over the meeting until the meeting was over. He did not walk away in the middle of the meeting. He stayed there until the meeting was dispersed. That is a point which I do not think the Government speakers grasped in the way I wanted them to. Let me make this point clear, that it was not my intention to be unfair to the Administration in that particular area. What I wanted to do was to give an example where, in my opinion and in the opinion of the African people, mal-administration of justice came up.

The hon. Attorney General cited the Mombasa strike and the meetings held there. I should definitely say that I was not in the least against putting the Mombasa house in order. Again, as a matter of fact, I would not be inaccurate in suggesting that I was the member responsible for putting that house in order, and I could not have done that if I was trying to bring disorder in this country. Therefore I would say, and nobody would argue with me, that in bringing this motion I did so because I want this country to be ruled justly, and that all the inhabitants of this country should behave lawfully and in an orderly manner. That, I am sure, would not be directed against me.

One point I should like to mention in regard to Malakisi is that I have a memorandum here which came from people who were at the meeting, and I feel personally that the situation was not out of hand and I do not think there was any breach of peace. It was a matter of saying: "No" and saying: "Why should this one be appointed?" But they were not against the voting because they knew they were defeated. The votes were 270 to 207, but they wanted to show the meeting that their candidate had lost, and they were saying "No" to the one who was successful. But there was nothing that would make me believe personally that there was any case for the possibility of a riot.

Another point I should like to make, before going on to one or two other points and then sitting down, is that I am very happy indeed that Government has given an undertaking to repeal section 8 (f) of the Native Authority Ordinance.

I hope also that Government will take the opportunity not only of repealing that particular section, but of reviewing the whole ordinance.

The hon. Attorney General dwelt for a long time on the question of passing round the hat. I have views on that matter, because under section 8 of the Native Authority Ordinance headmen have powers to regulate the collection and receipt of money or property from natives. That is a matter I would take the opportunity later on of giving my views to Government and the views of the African people, but this I should like to say. Those people who collect money and misuse it should be dealt with, but we should not give the impression to the world that every collection made by Africans is misused, because I can prove cases where the African has given self help by collecting money voluntarily in his own community to put up a school. Look at the system of independent schools which is supported by voluntary contributions from Africans. Is that to be an indictment against the African community also? (MEMBERS: No.) That is a point the hon. member did not make quite clear that whoever misuses public funds, who takes from Africans for his own pocket, let us deal with him, but not put the whole community in the situation where headmen may be instructed and the opportunity of collecting money denied the community.

I would like to say that the other speakers have not got the point to which I should like to reply, except to suggest that the hon. Member for Nairobi North did ask that in the Press the refutation of facts I have put forward should also be published. I should also like to ask the Press to say that my facts I hold to be correct and are facts given by my own people, and there is no reason to distrust them.

Finally, in moving this motion, I mentioned that I had come representing the view of the African people advocating the freedom of assembly and that there should be some regulation of affairs in this country. For that reason I said the Police Ordinance, section 33, as far as I am concerned and any reasonable African is concerned we have no quarrel with, can be concerned we feel that it will be correct because we feel that it will be correct to say that mixed communities as we have here can be treated under the same

(Mr. Mbatia) — I should like to say this morning that the justice in the application of that law will be judged by how it is administered, and I should like to emphasize the plea made by the hon. member, Mr. Patel; that we do hope there will be no racialism in the application of this law, for I feel we should all work together. There should be law and order in this country, and I do not think you will lack co-operation from my own community as far as that is concerned.

In sitting down I should like to say that we are very thankful to Government for accepting the motion, and I do hope that immediate steps will be taken to repeal the Native Authority Ordinance on the lines suggested, and also to say that the spirit of this motion, as far as I am concerned, has been entirely friendly. It has not been my intention to bring bright colours into it or to exaggerate, but to put the case moderately and well, because I believe that by moving in the direction I have suggested and Government has, it will be for good government in this country.

The question was put and carried.

ADJOURNMENT

Council rose at 1 p.m. and adjourned till 10 a.m. on Wednesday, 14th January, 1948.

Wednesday, 14th January, 1948

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 14th January, 1948.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 13th January, 1948, were confirmed.

ORAL ANSWERS TO QUESTIONS

NO. 102—RESIDENTIAL PLOTS FOR ASIANS

MR. PRITAM:

Having regard to the very high prices at which residential properties are changing hands in all big towns because of the acute shortage of housing accommodation, will Government please arrange to alienate a reasonable number of residential plots at Nairobi, Nakuru, Eldoret, Kisumu, Kakamega and Kericho in order to ease the present housing shortage which is having an adverse effect on the health of Asians? In this connexion Government's attention is invited to paragraphs 23 and 30 of Sessional Papers Nos. 3 and 8 of 1945 respectively.

MR. ROBBINS: A reasonable number of Crown land residential plots have already been alienated at Nakuru, Eldoret and Kisumu in order to relieve the present housing shortage. Some of these plots still remain unbuilt on and it is not possible for arrangements to be made to auction additional plots in these townships until sales have been held in some of the other townships owing to the small technical staff available for this work. Layout plans have recently been prepared providing for residential plots at Kakamega and Kericho, and as soon as these have been surveyed, arrangements will be made for a reasonable number to be sold. The extent to which township plots can be alienated from time to time is limited by the shortage of town-planning and survey staff, but in addition to plots which have been sold at the places mentioned, a good number of residential plots have recently been sold at other townships, including

(Mr. Robbins)

Thomson's Falls. Arrangements are also now complete for the sale at the end of this month of residential plots at Kileleshwa. The survey of a large number of plots at Nairobi is at present being undertaken and after this has been completed, arrangements will be made to survey the residential plots at Kakamega and Kericho. Considerable residential areas of Nairobi are privately owned and a large number of plots in these areas remain unbuilt on. It is not expected that arrangements can be made for the sale by public auction of residential plots in Nairobi owing to the limited amount of Crown land remaining unalienated and to the very small number of plots which could be made available.

NO. 104—RESIDENTIAL PLOTS FOR CIVIL SERVANTS

MR. PRITAM:

Will Government please consider the desirability of alienating residential plots at reasonable upset prices at such towns as Mombasa, Nairobi and Kisumu where adequate educational facilities are available, to such Asian civil and railway employees who on their retirement have decided to settle in Kenya?

MR. ROBBINS: Government is prepared to consider applications from Asian civil and railway employees who are about to retire for the grant of Crown land residential plots in townships other than Nairobi and Mombasa, but owing to the very small amount of unalienated Crown land available for residential purposes in the municipalities mentioned, Government is unable to consider extending these arrangements at present.

NO. 105—EQUALITY

MR. PRITAM:

Will Government please state when it proposes to introduce the universally accepted principle of "equal pay for equal qualifications"?

MR. TROUGHTON: Both the principles underlying salaries and the scales themselves come within the terms of reference of the Salaries Commission, and the Government does not propose to make any substantial changes in the scales pending the receipt and consideration of its report. (Laughter.)

MEMBER FOR COMMERCE AND INDUSTRY.

APPOINTMENT ASKED FOR

MR. VASEY: Mr. President, I beg to move: That this Council urges upon Government the urgent necessity of appointing a Member for Commerce and Industry who should be a member of His Excellency's Executive Council, in order that there should be an official member whose work would be to co-ordinate and safeguard the interests of the industrial and commercial community of the colony.

In rising to move this motion, I would point out that this is the culmination of years of pressing for an appointment of this kind by many of the hon. members on this side of Council and by almost every Chamber of Commerce in the Colony of Kenya. The commercial people, who inevitably keep perhaps a tighter eye on taxation and expenditure than other people, have considered very seriously the question of additional expenditure which might be incurred by an appointment of this kind. They have, I think, balanced it against the fruits of such an appointment and decided that the expenditure would be well worth while. The Chambers of Commerce started by pressing for a Member of this kind for Kenya alone. At the time of the issue of Paper 191 and Paper 210 some of the Chambers of Commerce shifted their ground slightly and asked that the appointment might be made on an East African basis. Further consideration, however, led some of the principal chambers of commerce to change their ground back to the original idea that there should be an appointment for Kenya.

Why? First of all, in the alteration to Paper 210, the matter of commercial legislation, even though that visualized in Paper 191 had only been on a limited scale, was withdrawn from the purview of the Central Assembly. That means that only by a united demand from the various legislatures of the territories can that commercial legislation, even in the limited aspect of 191, be placed within the purview of the Central Assembly. That unity has been difficult to achieve in the past and there is no reason to suppose, because the magic wand of the High Commissioner of the Central Assembly can now be waved over certain

[Mr. Vasey] combined services, that there will be a speedy transition of the power of commercial legislation from the territorial Legislative Councils to the Central Assembly. The commercial community feel that they have waited so long that they cannot wait for such a matter to eventuate.

Why is it necessary to have a Member for Commerce and Industry? Many of these things have been said at various times in this Council, but I feel it is perhaps wise and necessary that some of them should be repeated at the present moment. In the first place, I think any hon. member of this Council who has had anything to do with commerce—whether he be entirely a commercial member, or whether he be, as most agricultural members are to-day, partly commercial and partly agricultural—will, I think, be able to provide many examples of how difficult it is to find a focal point in the Secretariat when you are dealing with commercial matters. (Hear, hear.) You are, by the very constitution, by the very set up of Government, compelled to go here for one thing, there for another thing, and you probably finally focus yourself on the Economic and Commercial Adviser who has no executive power whatever.

We know that an Economic and Commercial Adviser is necessary, but what is needed from the point of view of commerce and industry is one Member who will regard the interests of commerce and industry as his prime concern, who will have executive power to take decisions in exactly the same way as the hon. Member for Agriculture, and who will be able to formulate what is lacking at the present moment—a policy for the encouragement of industry and commerce in this country. There are industries wishing to come to Kenya, men who have passed through this territory in the past few months who have literally thrown up their hands in horror at the position, and have decided that they will go to some other country where pious expressions that Government wish to encourage commerce and industry in particular can be turned into actual fact, because there is at the highest level someone whose main concern it is to deal with matters of this kind.

I do not wish very much to compare, to the detriment of this colony, the position between Kenya and, shall we say, Southern Rhodesia, but from the point of view of the commercial person there is a tremendous difference. I am, as I think most members of this Council are aware, a director of a secondary industry which, although small on a world scale, is of fairly great importance to this country. We have an associate company in Southern Rhodesia. Any time when I have been to the Secretariat I have found assistance as far as that company is concerned. I have not always found an appreciation of the issues, and the situation reached a point not so very long ago where it was seriously considered as to whether this company should not withdraw its activities from Kenya and East Africa altogether. Let us contrast the position in Southern Rhodesia Southern Rhodesia, knowing that they wanted industries of this kind, went all out to encourage our associate company by granting land with special facilities, by granting freedom from rates for a period. These things cannot be applied to the Bata Shoe Company now because the company is established in East Africa, but I am saying that these things might well be applied to the new industries which must come to this colony if we are to achieve a balanced economy.

There is, I think, very little appreciation on the other side of this Council as to how delicate our commercial economy really is. We have and I have said this time and again, a commercial economy which has as yet not developed the business fibre of the British commercial economy. We cannot take the continual punches in the stomach which are given to us by the policy adopted with regard to imports, and come back again for more. We have no other channels in which to direct our small community of commerce and its activities. If, on the question of Imports Control, you say that it is essential, shall we say, to ban furs, it is essential to ban things that are luxuries, then, sir, in these cases you merely put those people completely out of business and they are left very little in the way of any other channel of activity to which to turn. I do believe that, had we had a Member for Commerce and Industry who could have placed before His Majesty's Govern-

[Mr. Vasey] ment at home the serious position that is being created in this country, as a result of the lack of understanding of the needs of commerce and industry which has been displayed in the past year in particular, we should never have had the fatuous and continually changing imports policy that has been adopted.

We certainly should never have had an attitude about which members have complained from time to time. We should certainly never have had an attitude at such offices as the Imports Control office that the public were of very little interest and that it was sufficient to return serious applications, which might easily put people out of business if refused, rubber stamped "Not allowed". I have now had a complaint with regard to that particular matter, which I have handed to the Financial Secretary this morning, and I know the Financial Secretary will take it up actively, because he always has taken up this sort of thing actively, but it should not be a question of going to the Financial Secretary about this, and somebody else over that. We should be able to place before one particular Member all the problems of commerce and industry and know we can go back to that Member for a decision.

Let me quote another example, and here again I am quoting from what has happened at the Bata Factory. This is likely to happen with a great number of industries if they come into this country, unless we are extremely careful. Admittedly it was during the exigencies of wartime, but the Bata Factory had to be moved from Mombasa in a hurry. Government were most helpful. The Member for Health and Local Government, who at that time was in charge of the Lands Department as well, was most helpful, and we secured very quickly a piece of land at Limuru—a very good site from the point of view of the Bata Factory and a very good site from the point of view of its work people, but a disastrous site from the point of view of the agricultural community which surrounded it. How could the agricultural community, how could the farmers of Kiambu and Limuru, hold their labour when an industrial factory was placed in their very midst which of necessity paid far higher wages than agriculture could afford to do. It must of necessity, there-

fore, draw labour from the limited reserve available to the coffee farmers and the farmers of that district. Had there been a Member for Commerce and Industry at that time I believe a mistake of that kind could quite easily have been avoided, and I do not want to see mistakes of that kind happening in future.

I have suggested that it should only be a small department, because after all its work and duty will be to co-ordinate and bring together channels which already exist. I would oppose any suggestion that we should wait for the East African appointment because, even though the legislation may be transferred in certain classes such as bankruptcy, to the Central Assembly to the East African High Commission, the need for a Member for Commerce and Industry is not a need of dealing with legislation. It is a need of dealing with a positive policy of this kind.

Later this week we shall debate the budget position, we shall debate the estimates for 1948, and there will be much grave concern as to what we are spending and how we are spending it, but the 1948 estimates are really only a small part of the problem of this colony. The thing that really matters in this colony, and the thing that has got to be adjusted, is our adverse balance of trade. It is forgotten, too, often that this country imports far more than it exports. We have been saved in this country (time and again, I believe, by what might be called "fortuitous circumstances". We have been saved by the war, which brought to us a tremendous invisible export. We may be saved temporarily again by the flight of capital from Great Britain. We may be saved by the world situation, which makes this place desirable for the establishment of people's lives. We may be saved by the intervention of the military and the military command. But these are fortuitous circumstances, they are not sound things on which to build, and it is essential that we should increase our secondary industries to the level where they can take some of the strain off the agricultural industry of this country, and that cannot be done, with all due respect to the hon. members opposite, by having commercial and industrial policy in the hands of an over-worked senior official who has already

[Mr. Vasey]

got more than he can attend to with his other departments.

Commerce has also to play a very great part in the solving of the African problem. The erosion of the African reserves and the over-population will continue until some relief draw-off of population from the reserves is possible to the townships. That will continue unless we can find other channels of employment. Until you have established something of that kind you cannot, in my opinion, persuade the African to give up his land. You may persuade him to go temporarily into the towns, but there is no security for his old age, except the piece of land which he keeps and tills in the reserve, and we have got to aim at an economy whereby we can provide something in the nature of social security for the industrial African, or for the African who is prepared to leave his land in the reserves, before we can take the strain from that land, even for that temporary time that is essential to give it the rest to enable the soil to be rehabilitated. That, in my opinion, again will only be done when there is someone responsible in this Legislature to the country, to whom commerce and industry, which at present is on the move all over the world, can go for full assistance and executive decision.

This appointment can be dealt with in two ways. It can be dealt with in the idea of a Member, as in the case of a Member for Agriculture, assisted by the official Administration and by unofficial advice, or it can be easily done, I think, by an official appointment, with an advisory Board of Trade to assist. At the present moment I should be prepared to accept any reasonable suggestion from the Government as to what the set up should be, as long as one can see the first steps taken towards the appointment of the head. We have to have, as I have tried to show, a positive policy of direction and assistance to commerce and industry, and to industry in particular, and those people who say that there has not been sufficient work for a man of this kind, are to my mind displaying an astonishing lack of knowledge of the possibilities that might open up if there were a man in charge of a department and a policy of this kind.

I would like to see him as a member of Executive Council, not because our leader, the hon. Member for Nairobi South, has not fought—I am sure he has—competently and well for the interests of commerce and industry on Executive Council, but rather so that whoever represents the commercial community on Executive Council should be placed in exactly the same position as the hon. Member for Ukamba is in regard to the hon. Member for Agriculture, so that it should not be, as it were a lone fight by a member but a fight by an official Member with an unofficial Member to hold the towel and assist. If that can be done, then I believe that we have a chance of creating within the next few years the foundations of a good, solid contribution by secondary industry to our economy, a contribution which will be of increasing value should the agriculture of this country be hit by world market changes over which it has no control.

I said before that industries are on the move. I said in my last speech on the budget, referring to this particular matter, that the sands of time are running out. As far as attracting industry to this country is concerned, they are running out. We can take a decision now and go out over the world to attract industries to this country and see them settled on a reasonable basis. We have good working conditions here. We have in the African if he is well trained one of the best mass production workers that you could wish for, and we have to the right and left of us developing markets in which, if we are wise, we can secure our full part. But it has got to be done fairly quickly. Industries are on the move, and let us in the interests of this colony see that a reasonable and fair proportion of them move this way.

MR. NICOL: Mr. President, I beg to second, and reserve my right to speak later.

MR. RANKINE: Mr. President, I am rising now because I think it would be of advantage to hon. members to know the reactions of Government to this motion at an early stage in the debate.

In view of certain remarks made by the hon. Member for the Coast the other day, as to my lack of experience in this colony, I should perhaps point out that I am not expressing my personal views:

[Mr. Rankine]

I am speaking for the Government. Naturally I would not expect any great deal of weight to be attached to personal views as yet.

Government has, of course, given very careful consideration to this motion, but although it has a great deal of sympathy for it and naturally attaches the very greatest importance to setting the economy of the colony on the broadest possible basis, it does not believe that the establishment of a Member for Commerce and Industry for Kenya, if that is what is meant, would be the proper course of action at the present time. All the larger business concerns—the banks, the oil companies, the larger business houses—at the present time are organized and conducted on an East African basis as opposed to a territorial basis, and I think I am right in saying that we are all agreed that commercial legislation should also be enacted on that inter-territorial basis.

It seems to the Government, therefore that such a ministry should be established on an East African basis, and I believe that this view will receive a great deal of support. Moreover, the appointment of an Economic Secretary to the High Commission seems to Government to provide the nucleus which could be developed into a Member for Commerce and Industry.

The hon. member has drawn attention to the need for what he calls a positive policy in attracting industries to the country. Well, two of the most important matters, or two of the most important directions in which such encouragement can be given, by adjustment of the customs tariff and railway rates, for instance, must be done on an inter-territorial basis, or at least require consultation with the other governments concerned, and it seems to me that that is merely another argument for the establishment of such a ministry on an East African basis. For reasons also which I feel sure will be appreciated, Government considers that the establishment of a Member for Commerce and Industry for Kenya at this stage, with the possibility of development later on into a Ministry for East Africa, might well prejudice the chances of the establishment on an East African basis which we all believe to be the ideal. The other territories, for

reasons which may or may not be justified, have a prejudice against what they consider domination by Kenya, and they may well think that this means toasting our Member on them.

As regards Kenya, just let us look for a moment at the set-up here. One of the leading and most respected members of the commercial community, the hon. Member for Nairobi South, is already a member of Executive Council and is available there to advise the Government when matters affecting the industrial and commercial community come up for consideration, or, for that matter, he may raise any other matters which he thinks require consideration. In addition, the Economic and Commercial Adviser is a direct link between the industrial and commercial community and the Government and can, of course, and in fact does, have direct access to the senior officers of Government and can advise Government whenever he thinks such advice is necessary. Further, there is the Trade Advisory Committee. Government does not really think that it is true to say that the commercial and industrial community are not adequately represented when matters affecting their interests are under discussion in Executive Council.

Moreover, the Member for Industry and Commerce would not be able to function effectively without either a department or adequate staff, and when we came to consider the subjects with which such a Member would have to deal, we did not consider there was sufficient to justify a separate department on a purely Kenya basis. The department or additional staff required would cost a not inconsiderable sum, and Government did not think that it would be justified in adding a not inconsiderable amount to the overhead costs of Government at this stage before it had made an attempt to establish such a ministry on an inter-territorial basis.

On the other hand, if the proposal should be raised by the Kenya delegation in the Central Assembly, it would have the Government's support, and I believe that hon. members are generally in agreement with the view that it should be raised there. As I have already said in this Council, Government is prepared to consult with the other governments concerned with this object in view and, in fact, is already taking some steps to do

[Mr. Rankine]

so. In the opinion of Government, the sooner that commercial legislation is enacted on an East African basis the better.

The hon. mover has referred to the need for some focal point in the Secretariat to which anyone with questions affecting industry and commerce should go, and I would like to assure him that we are in very great sympathy with that request and that, as I have already said, I am consulting with the hon. Financial Secretary in order to see to what extent we can group all such subjects in the Secretariat in one group.

I realize that this reply perhaps will not entirely satisfy the hon. mover of the motion or the aspirations of the industrial and commercial community, aspirations which in our view are not entirely unreasonable, and therefore I am authorized to go further and say this: that if the Kenya delegation to the Central Assembly should raise the matter there as soon as practicable after the opening of the Assembly, and should be unsuccessful in its endeavour to obtain the establishment of such a Ministry on an East African basis, or should not all the Legislative Councils concerned not wish to pass the necessary resolution to give effect to such a motion, then this Government will reconsider the question of the representation of industrial and commercial interests in Executive Council on a Kenya basis.

I realize, too, that objection may be raised to this proposal on the ground that it subjects it to the delay which so many hon. members like to associate with all of Government's actions—(Hear, hear, and laughter)—and therefore I am authorized to give another undertaking. That is, that in that event Government will include in the 1949 estimates provision for the adequate representation of industrial and commercial interests on the Executive Council. Further, I would give an undertaking that, in the meantime, the Economic and Commercial Adviser will be in attendance at Executive Council when matters come up for consideration which closely affect the interests of that community or when the unofficial members of Executive Council request that he may be there.

Although, perhaps, Government has not been able to meet the hon. mover of

the motion entirely in the matter, I hope that he will agree that it has gone a considerable way towards doing so. I hope, therefore, in view of the explanations and the undertakings that I have been able to give, the hon. mover will be satisfied and will be able to withdraw the motion without pressing it to a division because, in that event, at this stage, Government would feel that it would have to oppose it.

MR. NICOL: Mr. President, I am very sorry that the hon. Chief Secretary should have been put into what I consider to be a most embarrassing position of having to make the speech which he has just made. Government's sympathy is all very well, but we have been tired of Government sympathy for a very long time on this subject, and the hon. member is merely reaffirming the opinion held by a large number of people in this colony, that the motto of Kenya is *bado kidogo*.

The commercial community have been asking for this appointment for a long time. Resolutions have been passed in Chambers of Commerce and in the Associated Chambers of Commerce, and now we are told that, if the Kenya delegation to the Central Assembly can or cannot persuade the other members of the Assembly to appoint a commercial Member under the High Commission, Government will see about doing something in the 1949 estimates. My hon. friend the mover said that the sands of time are running out, and he is perfectly right, of course. This is a most important matter, and the Chambers of Commerce, as I see it, feel that their interests are not properly looked after from the Government side. It is perfectly true that the hon. Member for Nairobi South does his utmost for commerce and industry in Executive Council but, as the hon. mover said, the hon. Member for Ukamba and the hon. Member for Agriculture are able to reinforce each other on subject matters concerning agriculture, whereas the hon. Member for Nairobi South has to fight the battle on his own.

Reference has been made to the Trade Advisory Committee. I happen to be a member of that. The original conception of it was that it would be a sort of Board of Trade in embryo, but we have been getting rather tired, I certainly have been,

[Mr. Nicol]

in regard to that particular committee. The hon. Economic and Commercial Adviser is chairman of that committee, a very able chairman too, but I am going to quote from the minutes of a meeting which was held in October to show you the feelings of members of that committee. This is the actual minute: "The meeting wished to record that sufficient attention to trade matters is not being given as the hands of the Economic and Commercial Adviser are very full with other work". That, of course, is perfectly true, and I think the hon. member will agree that he is cluttered up with all sorts of other committees and has to be absent for considerable times from Nairobi.

The position really is that, to-day, there is no co-ordinating factor in the Secretariat for commercial matters. The Chief Secretary handles a sort of general commercial matters from the European standpoint, the Member for Health and Local Government handles trading in municipalities, and the Chief Native Commissioner is responsible for trading in native areas. I cannot understand why he is a member of the Trade Advisory Committee (MR. WYN HARRIS: To advise them!) (Laughter) It is advisory that is the whole thing, the whole point of what we are talking about. It is all advisory. We have got nobody at the head who is executive, and I submit that the Economic and Commercial Adviser, when he advises Government on economics and commercial matters, if that cuts across Government policy, Government policy wins, and there is nobody to force the issue home.

I should also like to say that the Trade Advisory Committee supported the resolution of the Associated Chambers of Commerce, which I should like to put on record; it was passed at their last session in the latter part of last year. "In view of the important part which commerce and industry must play in the development of East Africa, this Association is firmly of the opinion that steps should be taken by the Territorial Legislatures as soon as possible after the inception of the Central Legislative Assembly, to establish a Board of Trade and Industry under a responsible individual with the status of a Member, to ensure that the many difficult problems which will arise in future years with increasing frequency

will receive sustained attention and that commercial and industrial affairs may be beneficially and adequately represented in the councils of Government".

That was passed at that particular session, but since then Chambers of Commerce in Kenya have felt that it is far more important than waiting for the Assembly to get going to have a Member here.

It strikes me as very, very short-sighted on the part of Government to reject this motion I have felt for a very long time that the trading community and commercial community have not received the adequate attention which is due to such an important economic section of the general taxpayers. I must say that to wait for the High Commission to get busy is absolute nonsense. I would not have minded if the original wording of Paper 191 in regard to trade legislation and trade matters had been perpetuated in Paper 210, but I am informed that it was specifically left out of Paper 210 because agreement could not be reached by all three territories. If agreement could not be reached by all three territories over what must go into Paper 210, what chance of agreement is there now that the High Commission has come into being?

I do not see any good putting off, putting off, putting off, these matters pending the time that members of the High Commission get down and discuss the matter. I do feel that it is a great pity that Kenya does not grasp the nettle and make the appointment which the commercial community have been asking for for so very long.

MR. PATEL: Mr. President, I am inclined to support the motion before Council. However, I am not quite sure whether it is not wise to follow the course which has been suggested by the hon. Chief Secretary for proceeding in this matter. Whatever it may be, there is no doubt about one thing, that the present position is most unsatisfactory in regard to the direction of commerce and industry in this country. I know of one instance where an Indian approached me with a request to find out if he could establish an oil refining factory in Mombasa. I saw several officials, but could not get any information as to whether that person should be encouraged to put up a

[Mr. Patel] factory or not, or whether there was any need for it in this country or not.

If we look round to-day, we find that all the countries of the world are giving a direction to commerce and industry on a large scale, and there is no country in the world which will be able to stand on agricultural industry alone.

The hon. Chief Secretary said there is representation of commerce on Executive Council, he also said there are persons who can give advice in regard to commerce and industry. If we want to establish new industries here mere representation and advice are not sufficient (Hear, hear). There will have to be planning, there will have to be encouragement, there will have to be direction on the part of Government for establishing on a sound basis commerce and industry. Therefore, whatever course is adopted, there can be no doubt it is most essential that we must have somebody who is responsible and who has executive authority in this matter.

I have not much experience about this, but I can state from those cases in which I have taken an interest that there is not to-day direction or encouragement to establish industries in this country, and therefore I hope this matter will be tackled as early as possible.

MR. TRINCH: Mr. President, I rise to support the motion, I do not think it purely concerns the commercial community, I think it concerns the agricultural community just as much. The two are in partnership in this country for better or for worse. I believe the right course to adopt is not the course advocated by Government, which will entail from what I have heard a long delay, but I believe we have got to start straight away on a Kenya basis, and when the Central Assembly have got together and settled their differences then, maybe we can put it on an East African basis. For the goodness sake, let us get on with the job in Kenya immediately. I entirely agree that these industries are on the move and that we cannot afford to waste time in arguing on an East African basis. So I wholeheartedly support this motion, and hope the official side of Council will also support it.

MR. COCKER: Mr. President, I had an absolutely open mind on this motion, but when I see that the very next motion before us is going to be the passing of the Immigration Bill, I feel the necessity for the appointment of a Member to direct commerce and industry. My reason for supporting this motion is that as soon as the Immigration Bill is passed, those intending to come to Kenya with a view to establishing either light or heavy industries will have to be met by some authority that such industry is needed. For that reason alone I think the sooner this appointment is made the better. I also say that it is imperative, or it will have to be imperative in time, that the appointment will have to be on an East African basis. But the time has come when we should start with the appointment on a Kenya basis, and I support the motion.

MR. JOYCE: Mr. President, I only want to make one point in this debate. That is to emphasize and underline the point, and the important one, made by the hon. mover when he referred to the value that an appointment of this kind will indirectly confer on the problem of the relief of the pressure on the land. I believe myself sincerely that unless we can get a very large number of Africans off the land into industry, we cannot pull our weight properly in solving that very difficult and fundamental problem.

I support the motion.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

MR. COOKE: Mr. President, like other hon. members on this side of Council, I am singularly unimpressed by the arguments put up by my hon. friend the Chief Secretary. My hon. friend likes to cast reflections occasionally on this side of Council about destructive criticism, but here we have to-day from the hon. Member for Nairobi North a most constructive suggestion. And what is the result? That cold water is poured on it. The hon. member said that the big commercial houses, the banks and other big corporations were inter-territorial. That, of course, is perfectly true, but what the hon. mover is thinking about is not only the big corporations and the big industries, but the smaller trading concerns in which Kenya is intensely interested. We are always being

[Mr. Cooke] hampered by reference to Uganda and Tanganyika and being asked to move at the pace at which they move, but they themselves frequently take unilateral action and get away with it. Yet any suggestion on our part of unilateral action is met with the retort that we must not offend Tanganyika or Uganda.

I am a great supporter of secondary industry, not only because it is beneficial in itself, but more especially, or certainly just as strongly, for the reasons put up by the hon. Member for Ukamba. It is absolutely essential if we are going to restore the land that there should be secondary industries which the Africans can fall back on for employment.

There is evidence, and there have been negotiations from this side, of grave lack of liaison in the Secretariat with regard to commercial matters, and I would ask before this debate ends that the hon. Economic and Commercial Adviser should be permitted to give his views on this whole matter, because any members on this side of Council who have not already made up their minds. I personally am strongly in support of the motion, and might receive very valuable guidance from the hon. Economic and Commercial Adviser.

I beg to support the motion.

MR. TROUGHTON: Mr. President, the hon. Member for the Coast a moment ago suggested that my hon. friend the Chief Secretary had poured cold water on this constructive suggestion. I would rather like to suggest that my hon. friend had poured a little beer on it, with the object of stimulating it and making the suggestion, for which we are grateful, more effective. My hon. friend was taken to task by various hon. members, led by the hon. Member for Mombasa, regarding the policy of delay which hon. members read into my hon. friend's speech and I think that that was probably due to the reference in it to the 1949 estimates, which seemed a long way off to those people who have not got to deal with these estimates. I have my hon. friend's authority to correct that misapprehension. He merely mentioned the 1949 draft estimates so as to produce a definite date with effect from which he could promise certain action.

I can go a bit further, sir. It so happens that His Excellency—and I have his authority to say it—has nominated me to be the official representative of Kenya on the Central Assembly, and I am under instructions to raise this matter centrally at the earliest possible moment after the Assembly gets formed, and I have no doubt that the Kenya delegation will be at one on this matter. If it is not possible to get the thing started on an inter-territorial basis, then the matter will be reopened in Kenya forthwith, without any intention whatever of waiting for the 1949 draft estimates or for any other date.

One hon. member doubted whether, it not having been possible to secure inter-territorial agreement when 210 was produced, it would be possible to do it now. Well, I feel that it should for this reason: that we had no regular machinery for consultation between official and unofficial representatives of the various territories when the negotiations for 210 were in process. With the formation of the Central Assembly we will have a forum where a motion can be put forward, discussed and debated with representatives of all the territories, and I am hoping we may be successful in securing this appointment on an East African basis. The only change that we are not proposing any reason at the moment, in so far as Kenya is concerned, is the one mentioned by my hon. friend that we believe—we may be wrong; we often are wrong; we are inefficient, I know! (laughter)—quite honestly, that it would prejudice securing inter-territorial agreement, because it is amazing how suspicious these other territories are of Kenya. Why, I have not the foggiest idea, but they are!

In the meantime, the question arises of the giving of positive encouragement to industries to deal with industrial questions. Again I have your authority to make a statement which you yourself omitted to make, that when matters concerning major industries arise, the formation of new major industries or major questions regarding industry, you, sir, as Member for Development, are intimately concerned and are always prepared to deal with such matters yourself.

MR. COOKE: Is the hon. member in order in addressing the hon. Chief

[Mr. Cooke]
Secretary instead of addressing the President?

MR. TROUGHTON: I plead guilty. I am out of order! To avoid going back, may I ask that that sentence be deleted or amended by the substitution of the words "my hon. friend" for the words "you, sir" where they occur?

MR. COOKE: Is it in order to amend Hansard when it has already been reported? (Laughter.)

MR. TROUGHTON: There is no objection to the whole boiling appearing in Hansard, as far as I am personally concerned. Anyway, my hon. friend is perfectly prepared to deal with these matters himself where major industries or major industrial questions are concerned.

For the rest, my time is quite largely occupied in dealing with industrial questions and I am always prepared to help but the Economic and Commercial Adviser is always available for consultation and he knows where he can give answers himself, and he knows exactly where to go for the answers to any questions that may be raised, and with the Economic and Commercial Adviser in attendance in Executive Council I feel that there can be no possible danger of commercial questions being inadequately represented.

Here, sir, perhaps in so far as I can do so, while remembering my oath as an Executive Councillor, I should say that Executive Council is not the sort of dog-fight picture raised by my hon. friend the Member for Nairobi North. It is not a case of towels being needed and "Seconds, get out of the ring" (Mr. Cooke: It ought to be!) Possibly it ought to be "Well, if my hon. friend the Member for the Coast were there quite possibly it would change" (Laughter.) That is a glimpse into the future. But it is not that sort of a place now, and in point of fact anyone who is representing commercial interests or any other interests on Executive Council will admit, I think, that he gets a fair hearing and that matters are properly dealt with.

I do not think that there is anything else which I need say. I quite realize that anything we do say will be regarded as unsatisfactory by those who are actively sponsoring this motion, and I should

like to point out that between them and us there is really no difference in principle. The difference is purely one of opinion as to the tactics which can best be adopted in order to get the proper representation of commerce and industry, which we all of us want to see, in the most effective possible way.

I oppose the motion.

MR. HOPE-JONES: Mr. President, I am rising to say a few words on this motion with very great diffidence, because I am in a somewhat invidious position, but in view of the fact that I was asked to do so, and I invariably try to comply with reasonable requests, I intend to speak.

In my personal opinion—and I wish to emphasize that as I speak I am expressing only my personal opinion—the industrial and commercial community of this Colony and Protectorate have got every reason and are making a most reasonable request in putting up this motion (Applause.) I say that, because it is my personal opinion and unless I said it I should not have any respect for myself. I have listened to this debate with the greatest attention and I personally am completely convinced of the good faith of the Government, of the integrity and intention of those who have spoken to-day from these benches in saying that it is their intention to push for a Member on an inter-territorial basis, and if they do not get that to push for adequate representation on a Kenya basis. I wish to emphasize once more that those who would suggest that that is not the true intention of the Government would, in my opinion, be making a very serious mistake. It so happens that, again from my personal point of view, and this is a tactical matter, I think, to be quite frank, that they are mistaken in the order in which they are doing it. That is my advice. I give that as advice. I may be wrong. I probably am wrong in the light of those who have greater experience than I have in Government—my experience is limited.

But there is just one point that I wish to make, and I am making it because it has been made by the representatives of every large-scale business in Kenya. I think without exception. Those large-scale businesses—I will not mention names, that would not be proper, but

[Mr. Hope-Jones]
banks have been referred to, oil companies, large commercial organizations—all of those concerns have considered this problem in both its aspects. They all preferred, I think I am right in saying, an inter-territorial organization, every one of them. But the representatives of those concerns—again I am speaking for them all—have studied Paper 191 and they have studied 210, and in their considered opinion—and remember most of them are on the executives of the various Chambers of Commerce—have come to the conclusion that they want it on a territorial basis first. Now I report that because I think it is relevant to this debate.

I do not feel that I can say much more. Most people would consider I have said far too much, but I do not take back one word of what I have said (UNOFFICIAL MEMBERS: That is the stuff!) I have, however, a responsibility to Government and if it comes to a division fortunately my conscience is a matter which I can look at and say "Well, that does not concern me because my vote is not my own." But in this case I shall not be troubled in conscience. It is fortunate for me to this extent that I can wholeheartedly endorse the attitude of the Government in this matter as a perfectly honourable one, a perfectly straight one, and one that without straining my conscience I can vote on as I would be expected to do. But I would ask Government, although naturally I will vote with them, to pay the very greatest attention to what has been said on the other side. I have good reason to know that every word that has been said to-day from the opposite benches is the result of a great deal of thought and a great deal of heart searching, behind the motion is the weight of commercial experience, and I would ask Government to consider very carefully what they do (Applause.)

SIR ALFRED VINCENT: Mr. President, I think that both the hon. Chief Secretary and the hon. Financial Secretary are wrong in one respect. I think they both mentioned that the appointment of a Member at this juncture might prejudice the relationship between Kenya and the other territories. I cannot for the life of me see that, because the proper thing to do at this juncture surely is to appoint

somebody to overcome the immediate situation and hold the fort until the Central Assembly has decided what course to take after consultation. With due deference to the Member for Development and Reconstruction, and also the Member for Finance, I believe it is quite impossible for either of them, or both of them, with the enormous amount of work which I know they have to do, to attend individually or collectively to the thousand and one questions which arise on commerce to-day. I believe that Government would be right to reconsider their attitude and to agree to appoint somebody *pro tem.* as the Member, or as responsible for industry, until such time as the Central Assembly has made up its mind. That may not be for quite a considerable number of months. I do not think that the present situation can be kept waiting. I think we have got to have somebody to whom people know they can go and if it is necessary for him to refer, well, let him refer to whoever is in a position to give the answer. I do feel that that is the right attitude, and I believe that to leave it in a form which is indecisive is quite wrong at the present time, after having heard the arguments in this debate.

MR. EDVE: Mr. President, following on what has been said by the hon. Member for Nairobi South, I should like with equal deference to refer to the remarks made by the hon. Financial Secretary in regard to his and the Chief Secretary's willingness to deal with those matters arising regarding industry and commerce in this country. With deference I should like to suggest that however willing they may be to deal with these matters, what we really need is somebody with not only time but industrial and commercial experience to plan ahead as to what type of industry is best suited to this country and the type we want to introduce to make plans and encourage that industry to come when plans are made.

I am quite sure that the two hon. members are not in the position to do that nor have they the time, and that to my mind is one of the most important things in the motion before us to-day. Furthermore, by the appointment of an inter-territorial member it strikes me that he will find himself dealing only with the larger industrial projects, and

[Mr. Edye]

what we want to see in Kenya, I venture to suggest, is what is just as important, the introduction of smaller industrial concerns, the building up of not only the small ones but the large ones, and I suggest that any inter-territorial appointment will to a large extent nullify the encouragement of small industries in this country.

I heartily support the motion.

MR. VASEY: Mr. President, the hon. Economic and Commercial Adviser said he had no doubt as to the good intentions of Government. In the past fortnight I think I have said that I cast no doubts at all on the integrity and intentions of the hon. gentlemen opposite. But, if I may quote from a very good Book, the way to hell is paved with good intentions. In this particular case, the way to it, not an economic disaster at least to a period of economic and industrial stagnation may be paved with the good intentions of the hon. gentlemen opposite.

The replies—and I except the hon. Economic and Commercial Adviser—the replies from the hon. gentlemen opposite have, to my mind, proved completely that they show what an abysmal ignorance there is of the needs of commerce in this country. (Hear, hear.) The hon. Financial Secretary gets up and says "We have not cast cold water on it, we have poured a little beer". I suggest that what is needed is a little spirit, and not the spirit of "We can do this to-morrow, we can do this next year", but the spirit of saying "We can do it now". If the water of the hon. members who have spoken from the other side in this debate, with the exception of the hon. Economic and Commercial Adviser, was not cold water at least it was exceptionally lukewarm and not of the type that could be regarded as encouraging.

The hon. Financial Secretary said that where matters of major industrial importance may arise, the hon. Chief Secretary can deal with them. Just think of it! In a country trying to develop an economic and industrial state, "where matters arise"—these matters should be made to arise, and the whole burden of this complaint is that there is no member on the opposite side who has the

power to make them arise. That is why we want a Member of this kind.

We are told that we must wait until the Central Assembly is in being, that when the Central Assembly is in being the members of the Kenya delegation will ask for an inter-territorial Member. It shows a surprising lack of knowledge of constitutional procedure which they passed under Paper 210, not to realize that in the Central Assembly the Kenya delegation cannot attempt to ask for a Member of that kind until all three territorial legislatures have passed resolutions demanding it. They cannot—

MR. RANKINE: On a point of explanation, I did mention that if we failed or one of the territorial legislatures failed to pass the necessary resolution we would take this step.

MR. VASEY: The hon. Financial Secretary did not say exactly the same thing. He said the Kenya delegation would raise it at the first meeting, and I submit—

MR. TROUGHTON: On a point of explanation, I said "as soon as possible" (MEMBERS: More delay!)

MR. VASEY: The hon. member can once again check Hansard when it appears!

Let us take his own words, "as soon as possible". What is possible? A meeting and a resolution of this Legislative Council. A meeting and a resolution of the Uganda Legislative Council. A meeting and a resolution of the Tanganyika Legislative Council. Then the procedure, presumably by an Order in Council, to the Central Assembly, of power to undertake all the commercial legislation. Really, the hon. members opposite think that the whole world is covered by legislation! We are not asking for legislation. We are asking for an actual active policy to attract industries, not the question of bankruptcy legislation, not commercial legislation, but commercial action for a change.

And what are we offered? In the interim we are told that if a matter, where a matter, of major industrial concern may arise, the Chief Secretary will deal with it, and that in any case, if presumably it is not a matter of major industrial importance, the hon. Financial

[Mr. Vasey]

Secretary in between representing us on the Central Assembly, in between having the responsibility for all the financial matters of the country, in between framing and trying to get through the estimates, the 1949 budget of this Colony—in between all those things and many thousands of other duties, he will have time. And if you fail there you can go to the Economic and Commercial Adviser (laughter), who, at any rate, if he cannot act, will, to quote the hon. Financial Secretary's own words, "know where to go". (Laughter.)

I ask you! I ask you: Is that the picture of encouragement of the industrial population of this country? They say that on the Executive Council the hon. Member for Nairobi South has represented us well. I have said that. And they say he will continue to represent us. That is not accurate, for the hon. member is moving to a higher sphere (laughter), and there is no guarantee that the hon. member will still be a member of Executive Council next year, and it may quite easily be that with two members elected to this new Assembly there will be two agricultural people elected or chosen by the Governor for Executive Council. In that case I suppose we shall once again stand cap in hand approaching various officials in turn in the hope that at any rate we shall get something in the end, and action.

Then they say—and I think they do in their minds admit that their case is something like a sieve—then they say "Well, I do not know, an Economic Secretary has been appointed to the Central Assembly and the High Commission and he will get going". Just imagine! He is walking into a completely new set-up, he has got to learn right from the very beginning what is possible, he has got to dissipate in his own mind suspicion of Kenya which hon. members opposite admit exists. Having destroyed that suspicion, he has then to turn his attention to the encouragement of the industrial population and industrial development in Kenya. He has to deal with the Commissioner of Lands, he has to deal with the Chief Native Commissioner, he has to deal with the Financial Secretary, he has to deal with the Chief Secretary, of Kenya, and in the meantime has to go on dealing with the

same officials in other territories, and once again the industrial development of Kenya which I urge is so vitally important is going to be one of three.

Then they say that this appointment will prejudice the position. Here are the draft estimates of revenue and expenditure of the East Africa High Commission—what is Kenya's share? It is a dominant share, and comes from the taxpayers of this Colony. It is dependent upon the economic and financial and industrial development of this Colony, and unless this Colony develops our contribution to that East Africa High Commission cannot expand as expansion is desirable. It is down at the bottom where the financial development begins that will enable us to pay these taxes for this development, and we are told that because we desire a Member to enable us to develop economically and industrially to pay that taxation and make our contribution good we shall prejudice our case.

I cast no doubt upon the integrity of hon. members opposite, but I beg leave to cast doubt upon their appreciation of our intelligence and, to some extent, the amount of time we have spent in studying these problems. (Hear, hear.)

The hon. Chief Native Commissioner said he was not responsible for African trading on the Trade Advisory Committee. Of course he is not responsible. As far as I can see, no one is really responsible for the development of African trade. If African trade rears its head in some particular place it can then go to seek advice from A or B or from C. I, in common with a number of commercial men in Nairobi, know how often the African comes to us for advice, and we know the difficulty we have in getting action on his behalf, so that we know that there is really nobody responsible for African trade.

But surely the hon. Chief Native Commissioner is responsible for African industry, and that needs development more perhaps than any other line of small industrial development in order to take that pressure off the land which is so tragic to the African population and this Colony as a whole?

I was amazed to hear the suggestion brought forward that the big banks, and the oil companies, were inter-territorial,

[Mr. Vasey] and so they must want this on an inter-territorial basis. As the hon. Economic and Commercial Adviser has said, on the executive committee of Nairobi Chamber of Commerce, there are two leading representatives of the oil companies which are inter-territorial, and they voted unopposedly in favour of a Member for Commerce and Industry for Kenya.

The opinions of the commercial and industrial community and the Indian commercial community, which is heartily behind this appointment, are not lightly to be brushed aside. We, with all due respect, may not have quite as much experience of legislation or of government as hon. members opposite, but at least we have some experience of our own particular trade and business, and at least we are more cognizant of the difficulties, and far more cognizant of the opportunities that lie ahead if only we can get on with the matter now.

I cannot accept the suggestion that this motion should be withdrawn (hear, hear), and I shall ask that it be pressed to a division, because I think it is important that it should go down in the records that hon. members opposite stood on their line of action in face of the unanimous support on this side of Council for this motion, and I desire that that should be placed on record. I believe that, if hon. members opposite were allowed to vote freely, there would be no question of those benches being in opposition to this motion.

To quote Shakespeare, our great English poet: "There is a tide in the affairs of man which, taken at the flood, leads on to fortune." "There is a tide in the affairs of man which, taken at the flood, leads on to fortune." That tide, by the grace of happenings overseas over which we have no control, is flowing in this direction. Let us see that that tide while it is at the flood can launch all the vessels of industrial development we can, for let us remember the concluding phrase: "There is a tide which, taken at the flood, leads on to fortune; Omitted, all the voyage of their lives is bound in shallows and in miseries." Omit and delay it, and for years to come the voyage of our industrial and economic life is bound in the shallows and miseries of economic fluctuations of

which agriculture alone can bear the burden. (Applause.)

MR. RANKINE: Mr. President, with your approval and that of the hon. mover and seconder and of Council, I should like to make a statement in view of the almost unanimous support that has been given to this motion from the other side of Council, I think it is my duty to discuss the matter further with His Excellency the Governor with a view to Government giving further consideration to the matter, and I suggest that Council might agree to delay a division until Government has had the opportunity of doing so.

MR. VASEY: That is a suggestion for which I thank the hon. Chief Secretary. However, he says the almost unanimous support from this side of Council, and in order that the chance should be taken of recording the votes of members of this Council at this time I would suggest the division is taken and that Government members abstain from voting. I do feel that it is important that at this stage it should be placed on record how unanimous this side of Council is in this demand.

MR. RANKINE: Government has no objection to that.

The question was put and carried, the official and nominated unofficial members not voting, by 15 votes to nil: Ayes—Messrs. Bouwer, Cocker, Cooke, Edye, Major Joyce, Major Keyser, Messrs. Nicol, Patel, Pritam, Dr. Rana, Messrs. Thakore, Trench, Vasey, Sir A. Vincent, Mr. Wright, 15. Noes, 0. Did not vote—Messrs. Blunt, Boyd, Carpenter, Major Cavendish-Bentinck, Messrs. Dalton, Wyn Harris, Hope-Jones, Johnston, Mathu, Mharak Ali Hinsay, Dr. MacLennan, Messrs. Mortimer, Mundy, Ohanga, Patrick, Rankine, Robbins, Foster Sutton, Troughton, 19.

IMMIGRATION (CONTROL) BILL

SELECT COMMITTEE REPORT

MR. FOSTER SUTTON: Mr. President, I beg to move: That the select committee report on the Immigration (Control) Bill be adopted.

As hon. members will no doubt remember, this measure has twice been published in the Official Gazette of this

[Mr. Foster Sutton] Colony, and when it came before this Council, after the second reading, moved that it be referred to a select committee. That select committee held a number of meetings in Nairobi where the whole of the policy to be embodied in the legislation was fully and carefully reviewed, and members of the general public and public bodies were given a further opportunity of making representations in connexion with it. We held meetings at which evidence was offered in Nairobi on the 6th and 22nd November, at Nakuru on the 10th, at Kisumu on the 12th, in Mombasa on the 17th, and a combined meeting of all the select committees of the East African territories was held in Nairobi on 28th November.

I only mention these facts to show that the Council may be satisfied that the measure has received the most careful attention and that the public have been given full and adequate opportunity of making any representations they wished to make. Through the courtesy, and I am glad to have the opportunity of mentioning this, of the hon. General Manager of the Railways, a combined meeting of the select committees was held in the Railway Conference room, and I am glad to be able to announce that, in spite of the controversial nature of this legislation, the meeting of the combined committees came to a unanimous agreement.

I take this opportunity of saying, on behalf of my colleagues on our select committee, what a great pleasure it was to us to have the opportunity of working with the members of legislatures from the other territories. (Hear, hear.) I think the fact that we were able to reach unanimous agreement on a controversial measure of this nature, is a good omen for the future of the High Commission and the Central Assembly.

The report of our select committee, which I may say was signed by all the members, can be regarded as a unanimous report. I think, subject only to an explanatory note which has been signed by the hon. members Mr. Patel and Mr. Cocker. That explanatory note will be found at the end of the select committee report. I have, in order to assist members in considering the report, caused to be attached to it a copy of the bill in which

are undrafted all the amendments recommended by the select committee, and where we recommend the deletion of any clause or paragraph that particular clause or paragraph will be found on the left-hand page of the printed copies of the bill. I did that because I think select committee reports are extremely difficult to follow and in a fairly long bill of this nature it is almost impossible to expect members to follow the amendments unless they can see the effect of them.

I am not going to waste the time of Council by going into this in any greater detail than I consider absolutely necessary but there are certain points which I feel Council will expect me to deal with, and I shall confine myself as far as possible to them.

If hon. members will turn to the printed copy of the bill attached to the select committee report I will first of all refer them to clause 2. Hon. members will remember that during the debate on the second reading my hon. friend Mr. Mathu urged that we should expressly exclude Africans from the scope of the measure. The select committee considered his representations, and I am very glad to be able to say that we found ourselves able to accept them and to give effect to his suggestion. We did that by inserting a new sub-clause in clause 1, which provides that the ordinance shall not apply to Africans, and by inserting a definition of "African" in clause 2 (1), which reads: "African" means any person who is a member of an African tribe indigenous to the Colony, Tanganyika, the Uganda Protectorate or the Zanzibar Protectorate, and the term includes a Swahili but not a Somali".

I think it might be an appropriate moment to deal with the position of the friends of my hon. friend the Lwal of the Coast, the Arab community. We propose that their position should be protected by taking action under clause 13 (h) of the bill, which enables the Governor in Council, by regulation, to exempt or exclude any person or class of persons from all or any of the provisions of the ordinance. Zanzibar, which of course is also vitally interested in the Arab position, has already drafted regulations, and I am hoping that it will

[Mr. Foster Sutton] be possible for us to accept theirs as a basis, if indeed we are not able to follow them entirely. I mention this fact because my hon. friend the Liwali did raise the question during the second reading and I undertook to make it perfectly clear that the Arab position has not been overlooked.

I think I ought also to draw attention to the amendments made in the definition of "permanent resident". If you look at sub-clause 2 (1) on the first page you will see all the amendments underlined, and I think that, as it is rather an important matter, I might just read it. For the benefit of any members who have not got copies of the bill, there is a proviso inserted which reads: "Provided that a person shall not be regarded as coming within the meaning of this definition—(i) if the Principal Immigration Officer can prove that he is a war refugee, (ii) merely by reason of the fact that he was born in the Colony, if the Principal Immigration Officer can prove that at the time of his birth his mother was a war refugee."

I would refer members to the top of page 2 where we have recommended the insertion of a definition of "war refugee" particularly the last three lines "but shall not include any person married to a permanent resident of the Colony". As hon. members are aware, during the war many thousands of refugees were given refuge in Kenya, Tanganyika and Uganda. There have been cases of women who have borne children during that period and, in view of the fact that persons who are born in the Colony are automatically entitled as of right to re-entry, we felt that we ought to make some provision regarding war refugees and their children. We could see no good reason why, merely because we have given hospitality to war refugees, their children born in the territories during the war should have an absolute right of return. We felt it was fair and proper to exclude them and make them, if they wished to return to the territories, apply in the ordinary manner the same as anybody else who is not a permanent resident here. It will not apply to those refugees who have married a permanent resident in any of these territories during the war. We felt that it was fair to exclude them. I mention that because per-

sons in that position may be worried unless it is made perfectly clear that they will not, after marriage to a permanent resident, be regarded as a war refugee.

The proviso contained in paragraph (iii) of clause 2 goes on to say: "merely by reason of the fact that he was born in the Colony, if the Principal Immigration Officer can prove that at the time of his birth his mother was not a person falling within any of the categories mentioned in paragraphs (a), (b) and (c) of this definition, and she has not since then become a person falling within the categories mentioned in paragraphs (b) or (c) of this definition." We considered that that was necessary, because under the regulations there is provision for persons to come in temporarily as temporary residents, as visitors in transit, for temporary employment, and as dependants, and we felt that their children, if they are only allowed in on a temporary footing, should not be given the same rights as a child of a permanent resident merely by reason of the fortuitous fact that the child happened to be born here when the parents were temporarily within the territory. It is a fair and just provision, and I think hon. members will agree there can be absolutely no complaint about it.

I would now draw attention to sub-clause (2) of clause 2 which provides: "Where, for the purpose of this ordinance, there is any reasonable doubt as to whether a person is an African, the burden of proof shall be upon such person." We inserted that because, as hon. members are probably aware, there is often considerable dispute over this matter and we felt that the onus of proof ought to be on the person who was asserting the fact. Moreover, in case it is raised by any hon. member, I will explain now. In each of the cases in the paragraphs of the proviso we put the onus of proof on the principal immigration officer. We thought it fairer to do that because in 20 years' time it might be almost impossible for a person to prove that they were not in fact the child of a war refugee.

Passing over the minor amendments in clause 4, I would refer hon. members to the words added in clause 5 (1) after the word "Colony"—"except in accordance with such provisions as may be pre-

[Mr. Foster Sutton] Tanganyika Territory, the Uganda Protectorate or the Zanzibar Protectorate". That amendment, I think hon. members will agree, is a very desirable one because it introduces flexibility, which is essential. There are all sorts of cases we will have to provide for. For instance, you may have a person who has, by some misfortune, lost his passport. We do not want to say that, merely by reason of the fact that he has lost his passport, he must be regarded as a prohibited immigrant. There will no doubt be a number of cases in future which it will be desirable to be able to provide for without amending the legislation. Moreover there have been cases, and there will probably be more of them in future, where a person would not be admitted because they have some disease and would therefore be regarded as a prohibited immigrant, but such persons may wish to come here for treatment. We had a case not very long ago where we gave a temporary permit to a woman who required to come here. She has an affliction of the eyes which would have prevented her entry in normal circumstances, but she wished to come here for treatment because this was the only place within a reasonable distance where that treatment could be given. This provision will enable that type of case to be taken care of. My hon. friend the Director of Medical Services drew my attention to the fact that the old clause might conflict with international conventions, but I think we shall be able to cover any such conventions by action under the amendment.

On page 3 there is nothing very much. We made one or two amendments to clause 6 (1). The additions to that clause ought to have been included in the first instance, because in clause 8 we allow certain persons' names to be endorsed on an entry permit, and we made no provision for that in clause 6. This omission we have now rectified.

Now I come to a clause which has caused a good deal of debate and which hon. members are very much interested in. I refer to clause 7 (1), Class A, paragraph (ii). You will find the original wording of the paragraph on the opposite page. Originally it read: "A person who is in possession of a valid certificate of permanent residence issued to him under the authority of the Government of

Tanganyika Territory, the Uganda Protectorate or the Zanzibar Protectorate". We have added to that the words: "and who can show that he was resident in any one of such territories at the time of the coming into operation of this Ordinance or that he is the child of any such resident." I do not wish to go into it in any great detail, but just to clarify everyone's mind on the point. Hon. members will remember that fears were expressed not only in this Council, but all over the country, that the position of Tanganyika as a Trustee territory might involve, if the paragraph was left as it was in its original form, the acceptance in Kenya, Uganda and Zanzibar of a very much larger number of aliens than it was felt we ought to be expected to accept. It was a very difficult matter to overcome, and I am quite certain my colleagues shared the uncomfortable feeling I had when it came to mentioning the matter to our colleagues in Tanganyika. But we all agreed in our select committee that the only course to adopt was to be absolutely frank and tell them exactly what our troubles were. That was done and ultimately the select committee unanimously agreed to this amendment.

The effect of it is this: it maintains the *status quo*, I think, speaking for myself and the Government, that anyone who was in any of these territories at the time of the coming into operation of the measure ought to have freedom of access to the other territories. They are here, for better or for worse, and it seemed to us impracticable to try and exclude them, even if it was considered desirable to do so. This does, however, maintain the *status quo*. Our friends in Tanganyika were very unhappy about it, and I do pay a tribute to them. I think, if I may say so, they behaved most generously in agreeing to our suggested amendment, which was eventually evolved by my hon. friend Mr. Patel. It was a solution suggested by him which we accepted, and I was extremely grateful to him for putting it forward. I do not think I need say any more on this subject. It does substantially protect the position, and I think that it covers the main objections that were raised by hon. members of this Council and by members of the general public who came before the select committee.

(Mr. Foster Sutton)

In Class B I would draw attention to the fact that we have tightened it up a little by inserting the words: "A person intending to engage on his own account". That was to save evasion. We have done the same thing with all the paragraphs where that protection was considered desirable.

I would draw attention to another amendment which we have recommended in most of these classes. If hon. members would look at Class C, paragraph (ii), this reads: "He has in his own right and at his full and free disposition a capital sum of £800 or such lesser sum as such prescribed authority may determine in respect of any particular type of prospecting or mining", and we have inserted similar words in all the classes where it is relevant for them to go. It was felt by certain persons that, unless they were inserted, it might lead to mal-administration and it might enable certain individuals to be dealt with on a more favourable basis than others, and in order to remove that suspicion and put the thing beyond all doubt, we recommend that those words be inserted. It will prevent discrimination because it will only be classes that can be dealt with in that manner, not individual cases. That was our intention and this amendment puts it in black and white and removes the matter from any doubt.

Hon. members will notice that in the mining paragraph, which is C, we have taken the Commissioner of Mines out as the prescribed authority and made the provision there the same as in other classes. I undertook to make this announcement in connexion with the prescribed authority. The more one goes into the matter the more one recognizes how difficult it will be to administer the law equitably and in the best interests of this country. I have mentioned the matter to His Excellency the Governor, and I am authorized to say this, that in order to ascertain the best method of administering it so far as the prescribed authorities are concerned, it is the Government's intention to appoint a committee consisting of members of this present Council. It will not be a Legislative Council committee because, as hon. members know, we are likely to be dissolved at the end of February; and I do not think the committee would by

then have finished its labours, and any committees of this Council that are in being when it is dissolved automatically become *functus officio*. It will consist of present members of this Council, and the idea is that the committee should be appointed and that we should seek the views of public bodies and members of the general public regarding the constitution of these authorities, whether they are to be advisory and how they are to be constituted. I think that if we seek outside opinion we shall probably be able to solve the problem to the satisfaction of everyone, and when the Ordinance is brought into force it will work smoothly and without suspicion and in the best interests of the country. I make that point because I was pressed very hard to insert in the legislation specific authorities, and I believe—and I still adhere to my opinion—that it is better to allow it to be flexible, otherwise we may find we have provided something which really does not work. I can assure hon. members that there is no ulterior motive. We are going to seek advice, and I think that that is the best way of getting it.

The debate was adjourned.

ADJOURNMENT

Council rose at 12.30 p.m. and adjourned until 10 a.m. on Thursday, 15th January.

Thursday, 15th January, 1948
Council assembled in the Memorial Hall, Nairobi, on Thursday, 15th January, 1948.

The President (Hon. W. K. Horne) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 14th January, 1948, were confirmed.

PAPERS LAID

The following paper was laid on the table:—

By MR. TROUGHTON:

Financial Report and Statement for the year 1946.

IMMIGRATION (CONTROL) BILL

SELECT COMMITTEE REPORT

The debate was continued.

MR. FOSTER SUTTON (*Continuing*): Mr. President, yesterday I had finished dealing with clause 7 (1) and the various classes, and I now draw attention to clause 7 (2).

Hon. members will remember—at any rate the hon. Member for Nyanza who raised the point—the question of placing Government officials and officials of the Kenya Uganda Railways and Harbours Administration in much the same position as a private individual, if they come out here to join the service and afterwards leave at an unreasonably early period. We have sought to meet the hon. Member for Nyanza's point by inserting a sub-clause (2), as follows: "The prescribed authority may, at any time before the expiration of four years . . ." The period, if hon. members look on the other side of the page, was originally five years and we have suggested an alteration of the period to bring it in line with the period provided in clause 5 (3). It seemed to us logical that we should bring it into line with that.

It reads on: "of the granting of an entry permit to any person under paragraph (iii) of Class A or under Classes B, C, D, E, F or G, of subsection (1) of this section, if such person,

without reasonable cause—(a) in the case of a person in the service of the Government of the Colony or the Kenya and Uganda Railways and Harbours Administration fails to engage in or to continue to engage in such service; or (b) in any other case", and it goes on as before.

I have asked my hon. friend the Chief Secretary to move an amendment, which he has consented to do, to the select committee's report because since it was tabled the High Commission has come into being, and I think hon. members will agree that officers of the High Commission should also be included in Class A, paragraph (iii), and in sub-clause (2) of clause 7. It came into being, as hon. members are aware, on the 1st January. Our report was tabled before that date. I think it is right that they should be included, and if we amend the select committee's report now it will save introducing legislation later on. Of course, the safeguards mentioned will apply to them as well.

The next important amendment is the introduction of new clause 11, which reads: "Notwithstanding anything to the contrary contained in this Ordinance no person to whom this section applies shall be granted a permit or pass, under the provisions of this Ordinance or any regulations made thereunder, as the case may be, except in accordance with such provisions as may be prescribed. This section shall apply to any person who is a national of a State—(a) that was at war with His Majesty at any time during the years 1939 to 1947; and (b) that has not since then become a member of the United Nations". That amendment was contended for by our friends from Tanganyika, but it does also affect the position in Kenya, and, apart from the fact that we wish as far as possible to fall into line with each other, the select committee felt it was a wise provision to include.

There have been some verbal amendments to clause 12, none of which I need deal with. They are of a minor nature, except the proviso to clause 12 (5) which particularly interests the hon. member for Mombasa. He made representations, and as a result of his and representations made by various shipping lines, we have included a proviso which reads: "Provided that the

[Mr. Foster Sutton]

provisions of this sub-section shall not apply in any case where—(a) the prohibited immigrant has been granted a permit or pass to enter the Colony, under the provisions of this Ordinance or any Regulations made thereunder, as the case may be; or (b) the name of the prohibited immigrant is endorsed upon an entry permit under the provisions of section 8 of this Ordinance.

It seemed to us that once the immigration authorities had seen fit to issue an entry permit or a pass, the person concerned had really been immigrated into the Colony, even if it was only for a temporary period. It did seem to us unjust that it should then be possible to prosecute the shipping company merely by reason of the fact that, after having immigrated a person, it was discovered that he was in fact a prohibited immigrant. We felt that once the authorities if they slip up it is our fault—once they have immigrated a person either temporary or permanently, then we have got, if I may be pardoned for using the term, to hold the baby. We cannot expect the shipping people to do it. Moreover, since the select committee met, I have had further representations made by representatives of the shipping lines and I believe it will be possible to meet them further administratively over the question of ships that bring in a person who they do not know is a prohibited immigrant until he arrives in the port. Sometimes they have to take them all the way round to South Africa and back again, always with the danger that he may slip off the boat at some port or will slip over the side as the vessel is pulling up. They say that is a hardship and cannot we do something about it. I cannot make a definite promise, but I think that with the application of a little commonsense we can meet them, and that is what I am going to try and do.

Clause 15 was inserted because originally the substance of it was contained in the regulations. It in effect provides that any person who overstays a pass shall be deemed to be in the Colony unlawfully. That is a provision that we shall never want to alter, and it was felt that the proper place for it was in the substantive legislation, so to speak, so we propose that that shall be trans-

ferred. We have also had to enlarge it because of the introduction of the new clause 11.

Clause 16 is what is commonly called a saving clause, and it seeks to deal with three categories of persons. I think, as it is of some importance, I had better go into a little detail. The first one is those persons who are unlawfully in the Colony at the date of the coming into force of this legislation; (b) deals with those classes of persons who came in under the existing legislation under a contract of employment which contains a provision that at its termination the person will leave the territory. Under the existing legislation, if they fail to leave they can be treated as prohibited immigrants and sent away. Obviously if Chapter 62 is to go, and it is to be repealed by clause 17, we must introduce some saving clause to protect the position as far as they are concerned, and (b) is designed for that.

(c) is designed to cover the case of persons who enter under the present Defence Regulations under conditional permits. The Defence Regulations will go as soon as this legislation comes into operation. We felt that we must protect the inhabitants of the Colony against a breach of any of the conditions of any permit granted under Defence Regulations, and (c) is designed to do that.

Clause 17 is merely to repeal existing legislation, and I have now covered the whole of the major amendments recommended by the committee.

There is one further point that I made a promise to mention and make a statement about. The European Electors Union made representations to the select committee and asked if Government would agree with the following proposition: that only those are worthy of consideration as immigrants who will be of cultural and economic value to the constructive purpose of developing Kenya as a Colony providing the British way of life. I was asked if Government agreed with that proposition, and I am happy to be able to state here in this Council that the answer is in the affirmative. (Applause.) I am also authorized to say that it is the intention of the Government that this legislation shall be administered in such a way as to maintain the predominance of the

[Mr. Foster Sutton]
British balance of the immigrant population. (Hear, hear.)

MR. TROUGHTON seconded.

SIR ALFRED VINCENT: Mr. President, first of all, in rising to support the adoption of this report, I should like to pay a most sincere tribute to the members of the select committee who have presented this report to us (hear, hear), and I am certain that the members of that committee generally will agree with me when I also pay a special tribute to the magnificent work which was done by the hon. Attorney General in the whole matter. (Applause.) I should also like to say this, that in these very difficult times which always arise after a war, I feel, and I am certain that my colleagues feel, that we are extraordinarily fortunate to have in the person of the Attorney General a man at our disposal of such stature in the legal world to assist us over this very difficult period. (Applause.)

I am very glad that the hon. Attorney General did express the underlying policy of this bill as is understood by the Kenya Government, and I would ask him in his reply, in addition to that, to give us an assurance that Kenya, if faced with difficulties under this bill, will be in a position to amend the bill if necessary.

On the question of the administration of this bill we feel that a great deal depends, if not everything, upon the wise and fair and just administration of the bill, and therefore we feel that the officer who, will, we hope, co-ordinate the policy of immigration of the three territories must be a man of considerable standing.

I have very little else to say on the report, but I must refer to the bone of contention we raised in paragraph 7. Class A (i), in regard to free movement between the territories, because I have seen in one of the local newspapers a letter which deplures, or shows misgivings, as to the attitude of Kenya in this matter. I think it may well be that in years to come we will find that our attitude on this clause was well balanced and was commendable because of its foresight. I even believe that some of those against it, both in this territory and in others, will realize the wisdom of

the restrictions which have been made, because it may protect them when they least expect to want to be protected. I do want to assure both Tanganyika and Uganda that we gave this very, very careful consideration. The solution which is contained in the amendment is accepted by us, and we only wanted to safeguard against the dangers which we thought might arise in the future.

We are determined to carry out a policy of co-operation with the races of this country and of the other territories, but we must not allow sentiment to influence us against commonsense. During recent sessions in this Council we have had expressions of opinion on the question of co-operation between the communities and the undesirability of racial hate and strife. I am very glad that these expressions have been given vent to because they do conform completely to the policy which my colleagues and myself have carried out during the life of this present Council. Racial hate as such is completely unknown to me, and I feel also to my colleagues, and I am certain that the only way in which we should approach all matters not only here but in all the territories, is on a factual basis and not a racial basis, and that the key-note must be that of reality. We must all have respect and a just regard for the views of other people, no matter of what community, territory or race they may be, and it is in that spirit that I have worked, and will continue to work, for the interests of this Colony and these territories as a whole.

I beg to support. (Applause.)

MR. PATEL: Mr. President, as hon. members of the Council will have seen, my colleague Mr. Crocker and I signed this report of the select committee with the explanatory note attached, and I wish to say something on that explanatory note.

We signed the report because the four select committees which met here on the 28th November agreed unanimously to make certain recommendations concerning matters to be dealt with by regulations or by administrative practice, and also regarding matters included in this report. At the same time, the hon. Member Mr. Cocker and I desire to reiterate as stated in that note our

[Mr. Patel] opposition to the principle of the bill. As hon. members of this Council are aware, the Indian members strongly opposed the bill at the time of the second reading, in principle, and I laid particular emphasis on two matters. One, that the bill was stricter than necessary, and that it did a grave injustice to certain categories of people I then mentioned, such as pioneers and pensioners.

At the time the bill was adopted on its second reading, the Indian members endorsed their opposition to the principle of the bill by voting against it. Then in certain quarters in the Indian community it was desired that the Indian members, having opposed the bill in principle, should not participate in the work of the select committee and should refuse to join it. In my opinion, that attitude was wrong, because it was necessary in the interests of the Indian community that their representatives should attend the select committee and press their point of view wherever necessary. I pressed my point of view in the select committee of Kenya as well as at the inter-territorial meeting of the four committees.

I may say that I am not satisfied with the number of suggestions which were accepted. I made suggestions which, in my opinion, were fair and just, but I was successful in persuading the other members of the Kenya committee as well as the other members of the joint committee to accept some of them. I felt that to have unanimous recommendations would carry greater weight in obtaining their implementation, and therefore I readily agreed to make these suggestions unanimously. I may say that in the inter-territorial meeting all the recommendations were accepted unanimously in that spirit.

It is well known that on occasions the memory of people is short, and the building of the hon. Attorney General which contains his offices is made of materials which may be destroyed at any time, as happened in the case of the Secretariat some years ago. I know that important reports and documents were burnt then, and that one important agreement which the Indian community and Government had reached in regard to the constitution of the Mombasa

municipal board is not available to-day. Lest such a position might arise in future in regard to the recommendations made at this inter-territorial meeting, I desire to bring them on record, because it is on the basis of those recommendations that I am supporting this report.

Firstly, I am very glad that my suggestion for free inter-territorial movement in regard to permanent residents and their children was unanimously accepted. I am very glad that members of the inter-territorial committee as well as of the Kenya committee saw that it was necessary to provide for such movement in the body of the bill. At the same time, I would like to draw attention of this Council to the fact that at that time it was also unanimously stated, and it was placed on record, that all the select committees hoped that it would be possible to reach full agreement in the future on a reciprocal basis for further exclusions to be made under clause 12 (h).

As I understood it at the time, the joint committee felt that some provision will have to be made by regulations in regard to their movements, at any rate of future immigrants who will be British citizens residing in these territories.

The second point on which unanimity was reached was in regard to endorsements of entry permits of husbands of women resident permanently in these territories. As members are aware, in the 1946 bill, section 8 provided that such endorsements could be made on the entry permit of the woman concerned, but that was omitted in the bill of 1947. The Uganda select committee recommended unanimously that the old provision of 1946 should be revived; the Kenya committee, after hearing evidence, also unanimously agreed that that should be provided for. I may say that the Indian communities are highly interested in this matter, owing to the peculiar social conditions prevailing among them, about which evidence was given at the select committee. I may also inform hon. members that on whatever other points the different sections of the Indian community may disagree with each other, on this point there was unanimous evidence before the select committees. At that inter-territorial committee meeting, one of the law officers pointed out the danger of introducing such a provision

[Mr. Patel] in the bill, and as that danger was considered reasonable the committee unanimously recommended that provision should be made in the regulations.

I would like to quote what the committee accepted unanimously: "Provision should be made under the regulations for the entry of a husband of a woman permanently resident in any of the territories, but a saving provision should be inserted making it possible for him to be required to leave if the parties obtain a divorce."

Further, there are certain matters in regard to children who have gone abroad for education, or those who are the children of people who came to this country and became permanent residents, but who were left in India or the United Kingdom for education. Let me inform the Council that anxiety was shown not only from the Indian side but by a European witness at Nakuru who had expressed great anxiety about his children being educated in the United Kingdom and South Africa. On that point also the committee reached certain unanimous conclusions, and it was decided that administratively the position should be safeguarded. It was to this effect: "that any person whose parents or guardians were permanent residents in the Colony at the time he or she was sent away for educational purposes, providing such person returns to the Colony within one year of his completing his educational training," which includes technical and professional training. It was also recommended that the cases of children of parents who become permanent residents of the Colony, who were left behind in their country of origin for educational or other good reasons when their parents entered the Colony, should be favourably considered, but that each case should be judged on its merits.

I am not completely satisfied with the second recommendation, but I believe that Government will in administering the law take carefully into consideration all facts and will not administer it in a manner by which children will be separated from their parents.

Another point was also raised by me in regard to people who had lived for a long time in this Colony and had left

the Colony. On that matter also a certain recommendation was made unanimously to be dealt with by administrative practice, and it reads to this effect: "Any British subject, not being a prohibited immigrant, who left the Colony on or after 1st June, 1940, who can satisfy the immigration authorities that they were, prior to that date, permanent residents in the Colony, and who apply for an entry permit within one year after the coming-into-force of the Ordinance". Again, any persons being British subjects, who can satisfy the immigration authorities that they have, since the coming into force of the relevant Defence Regulations, applied for an entry permit into the Colony, providing they can satisfy the immigration authorities that they were, prior to leaving the Colony, permanent residents therein, and that they are not prohibited immigrants, and they again apply within one year of the coming into force of the Ordinance, shall be regarded as permanent residents, and this will be dealt with administratively.

Again I may state that I am not wholly satisfied with this, because the people who were permanent residents in this Colony should have been treated much more liberally than is provided for in the unanimous recommendations made, but I agreed to them in the spirit that they will be faithfully carried out by Government and that there will be no difficulty put in the way of implementing all these unanimous recommendations.

Further, there was one point which I believe was agreed unanimously; but I do not see it in the minutes I have received from the hon. Attorney General. In regard to clause 12 (2) of the proposed regulations, it was agreed unanimously that the period of seven years should be altered to a period of ten years—that is what I remember. I hope the hon. Attorney General will correct me if I am wrong.

These are the recommendations which influenced, or rather induced, me to agree to sign this report, and I hope they will be faithfully and liberally carried out.

The hon. Attorney General made a statement at the close of his speech in regard to the point raised by the Electors Union, the expression "the British way of life". In my submission it

(Mr. Patel)
is rather vague, because even the British way of life has considerably changed in recent times in the United Kingdom, and it largely depends on what type of Government will be in the United Kingdom that will influence the way of life. The former and the present Governments have not the same way of life as their objective. It is all very well to say "the British way of life" should prevail, but in this we delude ourselves when we look at this particular matter from that angle.

The other statement the hon. member made was in regard to the balance of British population. I would like an answer from him about that, that when he uses the word "British" he means any citizen of the British Commonwealth (Mr. FOSTER SUTTON: Yes.) That should be made clear, because I am quite certain it does not mean any citizen of whatever colour, creed or race coming from the British Commonwealth could be excluded by the expression "balance of British population".

I join most heartily in expressing my high regard to the hon. mover for the way in which he handled the Kenya select committee as well as the inter-territorial committee. It was largely due to his tact and ability that we were able to reach unanimous conclusions. I may also say here, that if I had the certainty that he will be the person who would always be here to have charge of the administration of the law, I would not have taken the trouble to put all these matters on record in Hansard, but I am afraid that all officials are not of his way of managing things. That is the reason why I have taken care to put on record all the matters which are to be dealt with by regulations or administrative practice, so that we may not be told in future that such a thing was never agreed to and so on.

Lastly, I hope that this law will be administered wisely and justly, as the hon. member for Nairobi South has said, and I hope that it will be administered without any racial discrimination. If that is done, I am quite certain that most of the suspicions of the Indian community will disappear, but if they feel there is racial discrimination in the administration of this law I am quite

certain that the agitation among the Indian community against this law will assume great proportions.

With those remarks I support the report before Council, in the hope that though the Indian community is opposing the principle it has tried to show in what way certain amendments should be made in details, and I trust that we shall not be deceived in the matter of those recommendations which were unanimously made by all the four territories.

MR. COCKER: Mr. President, I endorse every word which has been said by our leader, and while I am doing that, in spite of the few exchanges and retorts which took place between myself and the hon. mover, I fully associate myself in paying my tribute to him for the wisdom and tact which he displayed while conducting the meetings of the select committee (Hear, hear.) I wish it was possible for the hon. mover to continue in his office for some time to come in order that he might be able to keep a watching eye on the person who is going to administer this bill. The success or failure of the bill depends largely on the personality of the person, but I hope that he will inherit the legacy of wisdom and tact which has been shown by the hon. mover.

May I take this opportunity of answering those critics in our own community who said that perhaps the Indian members had made a mistake in sitting on the select committee? To them I say that we have lost nothing—if at all we have gained something (hear, hear), because we have been able to impress our point of view on the committee, and although we are not entirely satisfied with the results we know that we have driven home some principles and that something out of it has resulted which is definitely to the good and not to the detriment of the Indian community. (Hear, hear.)

I share the views expressed by the hon. Member for Nairobi South, the leader of the European members, that when he works in the higher circles as he has worked in this Council he will always bear in mind the needs of the community as a whole of East Africa, and not be blinded by prejudice.

Before I sit down, I hope that the hon. mover will once again give the assurance that those recommendations which have

(Mr. Cocker)
been approved by the select committee unanimously for carrying out in the administration of the law and by regulations will be so carried out.

I support the motion.

MR. VASEY: Mr. President, in rising to support the motion, I have only two or three points to make.

One, I would like to join with the rest of the members of this Council—and in particular with the members of the select committee—in congratulating the hon. Attorney General on the manner in which he steered a very difficult matter to a unanimous conclusion.

I would call attention in particular to a safeguard which was put in, which safeguards the powers of the Legislative Council of this Colony in clause 13 (2), where it states that "any regulations made under the provisions of paragraph (b) of sub-section (1) of this section shall be laid before the Legislative Council of the Colony and shall, subject to the terms of any Resolution that may be passed thereon, come into operation thirty days after they have been so laid". That is an entirely new introduction and it provides that, should regulations "providing for the exemption or exclusion of any person or class of persons from all or any of the provisions of this Ordinance" be made, then this Legislative Council will have the opportunity of debating, amending and altering, should it be considered necessary.

The other point is that I welcome the announcement made by the hon. mover that a committee consisting of members of this Council shall be appointed to advise upon the composition of the prescribed authority and certain points of administration of the bill. It is in the administration that this bill will prove its practicable or impracticable nature, and it is to my mind therefore important that, while points of administration should obviously not be made in the bill as a bill, members of this Legislative Council should have further consultation and the possibility of advice upon such matters.

Only one point more. The hon. member Mr. Patel spoke about the "British way of life". I do not believe the British way of life changes from Government to

Government. The "British way of life" is something really fundamental, and it has perhaps been in no case more amply demonstrated than during the past few years. It has been the practice of the British constitution that, while a minority would fight as hard as possible against the adoption of any measure or principle, it would, once the majority have carried the adoption of that principle, proceed to co-operate. It has been the principle of the majority that, once a principle has been adopted, it would call the minority into co-operation in order to ensure that such measures and such principles should operate with the least possible hardship to the minority that has objected. I do suggest that the hon. member has himself been a very fine amplification of the British way of life in his approach to the Immigration Bill. (Hear, hear.) As long as was possible and as was necessary on behalf of his community he fought against a bill and a principle to which he objected, but when that principle had been adopted by this Council, then he moved into co-operation in order to ensure, one, that this co-operation was fully established, and, two, to enable the majority to see that the principle against which he had fought would be put into operation with the least possible hardship to the minority that had objected.

I beg to support.

MR. MATIU: Mr. President, I only rise to record two things. Firstly, congratulate the select committee from Kenya and the inter-territorial committees on this bill, and to pay a very high tribute to them for the co-operation that was evident from the unanimous recommendations.

Secondly, I should like also to place on record our sincere gratitude to these committees for agreeing to amend clause 1 so as to include the sentence: "This ordinance shall not apply to Africans". I should like to draw the attention of this Council to the fact that the African community is keenly interested in this law, although it is expressly stated in the law that it will not apply to the African community. As I say, we are keenly interested because the administration of this law will affect us tremendously, because the type of people you will bring into this country will have personal daily contact with the African

[Mr. Mathu] people, and if they are the wrong type they will upset not only the economy of this country but also the relationship existing between the communities here.

Council will recall that on the second reading of this bill, I was very emphatic in suggesting to the Council that we accepted the bill in principle but that it did not go far enough. We would have liked it to be stricter than it is, because I do not think this country can very well afford many more people from outside. The ones we have here require their interests to be protected and to have more strict restrictions, to see that the standard of life of the people is not lowered by the introduction of any more people and that employment in this country is not deprived from those in this country.

Those are the reasons that I had for suggesting that this law should be stricter than it is but, all the same, as I said in the debate on the second reading, it is a move definitely in the right direction, and I support the report and the recommendations contained therein on behalf of my colleague and of the African community.

I beg to support the motion

Mr. NICOL: Mr. President, I would like to add my congratulations to the committee on achieving unanimity on this very difficult problem. I would also like to thank the committee for the proviso which they have inserted in clause 12 (5). That has certainly taken away what would have been an extraordinary unfair sort of sword of Damocles hanging over the heads of masters of ships, aircraft and vehicles. I am very grateful to the hon. Attorney General for telling us that whereas they have not put it in the bill, he hopes that administratively they will be able to meet certain wishes of the shipping companies in regard to the handling of persons who arrive by their ships who are declared prohibited immigrants. I presume that that would be possible without any new regulation under clause 13 (i) (c) (i) and (ii). I suppose that would be how the hon. member would deal with the matter. The immigration officer would say: "You have a permit to come in for so many days but you are going to be held under restraint", at probably the cost of the shipping company until it is possible for

them to remove him. One small point, clause 17. Should not the date of the ordinance being repealed be inserted in that particular clause? (MR. FOSTER SUTTON: It is the old provision.) With that, I beg to support.

MR. RANKINE moved: That the motion be amended to read—That the select committee report on the Immigration (Control) Bill be adopted, with the following amendments: That paragraph 6 be amended: (a) by inserting therein immediately before the end of sub-paragraph (a), the following sub-paragraph—“(aa) by inserting a comma and the words ‘, the East Africa High Commission’ between the word ‘Colony’ and the word ‘or’, which appear in the second line of paragraph (iii) of Class A of sub-clause (1) thereof; and (b) by inserting a comma and the words ‘, the East Africa High Commission’ between the word ‘Colony’ and the word ‘or’, which appear in the eleventh line of paragraph (f) thereof.

MR. MUNDY seconded.

The question of the amendment was put and carried.

MR. FOSTER SUTTON: Mr. President, may I first of all, before replying to the various points, say how very deeply I appreciate the very kind remarks that have been made by various members on the other side of Council about me this morning. For my part, and I say it sincerely, I regard it as a great honour, and it has been a tremendous pleasure to me personally, to have had the opportunity of working with people who have been so co-operative as the members of this select committee. It was a difficult task, and without their goodwill I do not think we could have reached agreement. I for my part would like to pay a warm tribute to the tremendous help they gave me as chairman of that committee.

The hon. Member for Nairobi South asked for an assurance that we shall be in a position, if faced with difficulties under the ordinance, to amend it if such a course was considered necessary. Without the slightest hesitation I give that assurance. Of course we shall, but I hope it will not be necessary to do it for some time, because a great deal of care and forethought has been given to this

[Mr. Foster Sutton] legislation; and I am hoping the necessity will not arise. If it does, of course we will. It will be the duty of Government to bring a bill amending it before this Council.

There was a statement made in the press, and I am very much obliged to the hon. Member for Nairobi North for mentioning it—I drew his attention to it in case it was thought that I was taking an unfair advantage in replying when nobody else had the opportunity of speaking. I drew attention to it yesterday. What I did say was that a committee consisting of members of this Council would be appointed to advise Government on the best policy to adopt regarding the various prescribed authorities, and it is a matter which will be finally decided by the Governor in Council, and the full responsibility rests with him.

The debate was adjourned.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

The debate was resumed.

MR. FOSTER SUTTON: When we adjourned I had just dealt with a point made by the hon. member for Nairobi South and given an assurance.

Then another point he raised was this, he stressed the desirability of having a person of high calibre to co-ordinate policy and operate and administer the legislation. I respectfully agree with him that unless the legislation is properly and efficiently administered it will give satisfaction to no one, and we shall be receiving constant complaints, and constant hardship to individuals will result. It is the intention of Government that the legislation should be administered in the most efficient manner possible.

In that connexion I might mention, although it does not strictly arise except in regard to efficient administration, the point of, tourist traffic. The select committee received evidence from tourists' representatives, and one tourist representative appeared before the combined select committees. It is our intention in all the territories so to administer the measure as to make it easily possible for tourists and temporary visitors to come to these territories. I can give this assurance to those

concerned, that every endeavour will be made to see that it is administered intelligently and with the least possible red tape.

The hon. Member Mr. Patel mentioned various matters that he and his colleague and other representatives of the Indian community in this country made to the select committee. He is perfectly correct, we did consider them. We considered a lot of them could be dealt with administratively and, in order to place the matter beyond any doubt, I have had a note prepared, which I will read so that it can be recorded. It is not perfectly worded, because I did it in a hurry this morning after taking out various notes that had been made during our meetings. Various cases were dealt with, and I think he would prefer that the points be recorded in Hansard. That being so, if Council will excuse me, I will read my note. It is not very long:

"It is proposed, administratively, to protect the position of persons falling within the following categories—(a) Any British subject, not being a prohibited immigrant, who left the Colony on or after the 1st of June, 1940, who can satisfy the principal immigration officer that he was, prior to that date, a permanent resident in the Colony, providing he applies for an entry permit and uses it within one year after the coming into force of the Ordinance."

The object of that is to cover cases of persons who were persuaded, or rather encouraged, to leave the Colony in the very early days of the war. Most of those who intend to return I think have now returned, but there are still some, I believe, who have not yet returned but who wish to, and that will cover their position administratively, with the proviso that I have just read.

"(b) Any British subject who can satisfy the Principal Immigration Officer that he has, since the coming into force of the relevant Defence Regulations—(that is the Admission of Male Persons and Admission of Women and Children Regulations)—“applied for an entry permit into the Colony providing—(i) he or she can satisfy the Immigration Authorities that he was, prior to leaving the Colony, a permanent resident therein;

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(ii) he is not a prohibited immigrant; (iii) he can satisfy the Principal Immigration Officer that he did not intend to abandon his residence in the Colony, and he applies for an entry permit and uses it within one year of the coming into force of the Ordinance; (c) any person whose parents or guardian are or were permanent residents in the Colony at the time he or she was sent away for educational purposes, providing such person returns to the Colony within one year of his completing his educational training. Educational training to include technical and professional training."

My personal view is that there would never be any difficulty over that type of case, but, as the hon. member Mr. Patel mentioned that fears were expressed not only by the gentlemen who appeared before the select committee but by others who made representations in letters and memoranda, I make this statement in order to assure them publicly that it is not Government's intention to create hardship in such cases.

The select committee also recommended that the cases of children of parents who become permanent residents of the Colony, who were left behind in their country of origin for educational or other good reasons when their parents entered the Colony, should be favourably considered, but that each case should be judged on its merits. That is to cover the type of case where parents come in as permanent residents and leave their children abroad, with every intention that they should join them as soon as their education is finished. There will, of course, have to be some limit to that, but I hope we shall be able to administer the legislation without creating hardship.

The hon. member also made a point about the last statement I made before sitting down after moving the adoption of the report. I have not the slightest hesitation in assuring the hon. member that, when I refer to the British balance, I mean to include British persons throughout the Commonwealth.

There was one other point the hon. Member Mr. Patel made which I failed

to deal with in moving the adoption of the report. There are, it was alleged, and I believe it to be the case (and I am sure my colleagues on the select committee were satisfied about it) cases here which only arise in the Asian community of women who, for various reasons, and they are good reasons, cannot find husbands in this country. I will not go into details, but I am quite sure that there is full justification for these representations. The select committee, I think I am right in saying, agreed that we should do our best to see that no hardship is created. They will have to be genuine cases, otherwise a great deal of abuse would arise, but I can assure my hon. friends the Indian representatives on this Council that I will see that, in consultation with Indian representatives, some form of administrative instruction is issued in order that such cases can be properly considered.

The hon. Member Mr. Mathu drew attention to the fact that the African community of this country are vitally interested in the administration of this legislation. With that I unhesitatingly agree, of course they are. One of the main objects of this legislation was to protect the African population and all persons in this country who are permanent residents of it, and in any committees, and in the general administration, I can assure the two hon. African members that African representatives, either from this Council or outside, will be fully consulted and they will be represented on any boards or committees that may be set up.

The hon. Member for Mombasa drew attention to the provision made in order to try and obviate hardship as far as the shipping and aircraft companies are concerned. I might just add this, that I am not sure how the further relief can be given, but I envisaged something along the lines he proposed. They would have to make their whereabouts known to the police. The shipping company or aircraft company, as the case may be, would have to be entirely responsible for their upkeep while here so that they would not become a charge on the State, and when the shipping company or the aircraft company, as the case may be, were in a position to remove them, they would be ordered to leave. I cannot see why, with a little intelligence, we cannot

[Mr. Foster Sutton]

work out some scheme which would be entirely satisfactory to the shipping and aircraft companies, and to the Government.

My hon. friend the member for Nairobi North drew attention to a clause which I am ashamed to say I omitted to draw attention to. It is sub-clause (2) of clause 13, and I think I probably ought to say just one word about it. That requires that "any regulations made under the provisions of paragraph (h) of sub-section (1) of this section shall be laid before the Legislative Council of the Colony and shall, subject to the terms of any Resolution that may be passed thereon, come into operation thirty days after they have been so laid." That deals with the most important portion of the regulation-making powers, that is, the power to exclude persons from the operation of the legislation, because it does involve not only administrative machinery but a definite matter of policy, and the amendment was strongly urged for by unofficials not only of the select committee, but by the general public. I think that amendment meets the main objections raised to the regulation-making power.

I think I have now covered all the major points made by hon. members.

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

NATIONAL PARKS

TSAVO

MAJOR CAVENDISH-BENTINCK: Mr. President, I beg to move: Be it resolved, that this Council approves of the Governor declaring the following area to be the Tsavo National Park for the purposes of the National Parks Ordinance, 1945:—

Commencing at the junction of the Mito Andei and Athi Rivers at a point where the centre lines of those two rivers intersect:

thence upstream by the centre line of the Athi (Sabaki) River to its intersection with the centre line of the Kibwezi River;

thence north-easterly by a straight line to the highest point of Umbi Hill;

thence easterly by a straight line to the highest point of Mukomwe Hill;

thence due east by a straight line for a distance of ten miles to a point;

thence south-easterly by a straight line to the highest point of Lali Hills;

thence south-westerly by a straight line to the point where the western boundary of the Coast Native Land Unit (Kilifi District) intersects the centre line of the Sabaki (Athi) River;

thence south-westerly by the western boundary of the Coast Native Land Unit (Kilifi District) to the north-eastern corner of Mackinnon Road Township (Proclamation No. 60 of 1947);

thence north-westerly and south-westerly along the north-eastern and north-western boundaries of that township to its intersection with the northern 100 ft. zone boundary of the Kenya-Uganda Railways Reserve;

thence generally north-westerly by that reserve boundary to the southern corner of L.R. No. 934/1;

thence north-easterly by the south-eastern boundary of that portion to its eastern corner;

thence north-westerly by the north-eastern boundary of that same portion to its northern corner;

thence south-westerly by a straight line to the north-eastern corner of L.R. No. 4637;

thence westerly by the northern boundary of that portion to its north-western corner and onwards by the same straight line to its intersection with the eastern 100 ft. zone boundary of the Kenya-Uganda Railways Reserve;

thence generally northerly by that reserve boundary to its intersection with the centre line of the Tsavo River;

thence upstream by the centre line of that river to a point due north of the north-western corner of the Teita Temporary Native Reserve;

thence due south by a straight line to the north-western corner of that Native Reserve;

thence due south by a straight line along the western boundary of that Native Reserve and onwards in the same straight line to its intersection with the 3.45 parallel;

thence due west by such parallel to its intersection with the Kenya-Tanganyika inter-territorial boundary;

[Major Cavendish-Bentinck]

thence north-westerly by such inter-territorial boundary to a point on such boundary seven miles from and south-easterly of B.P. 67;

thence due north by a straight line for a distance of fourteen miles to a point;

thence due west by a straight line to its intersection with the eastern boundary of L.R. No. 7331;

thence generally northerly by the generally eastern boundaries of L.R. Nos. 7331, 7330 and 7287 to a point where the eastern boundary of L.R. No. 7287 intersects the centre line of the Tsavo River (which forms the southernmost corner of the Muxai Native Land Unit);

thence generally northerly by the south-eastern boundary of that Native Land Unit to beacon "Ridge" at the southern end of the Chyulu Range.

thence south-easterly by a straight line to beacon "Chyulu 2";

thence north-easterly by a straight line to the point where the south-western boundary of L.R. No. 920 intersects the centre line of the Mito Andei River.

thence downstream by the centre line of that river to a point on such centre line 100 ft. from, and south-westerly of its intersection with the centre line of the main Nairobi Mombasa Road on the alignment existing at the date hereof.

thence southerly by a straight line to a point 300 ft. due west of the centre of the 100,000 gallon railway reservoir near Mito Andei Station;

thence south-easterly by a straight line to the southernmost corner of Mac's Inn Hotel plot;

thence due east by a straight line to its intersection with the eastern 100 ft. zone boundary of the Kenya and Uganda Railways Reserve.

thence north-westerly by that reserve boundary to its intersection with the centre line of the Mito Andei River.

thence downstream by the centre line of that river to the point of commencement.

Provided that the following areas shall be specifically excluded:—

1. Those sections of the main Mombasa-Nairobi and Voi-Moshi railways which lie within the park. For the purposes of this paragraph

"railways" shall be taken to mean railways and railway reserves 100 feet on each side of the centre of such railways, and any railway station or other railway reserves.

2. Those sections of the main Mombasa-Nairobi and Voi-Moshi roads which lie within the park. For the purposes of this paragraph main roads shall be taken to mean an area of 100 feet on each side of the centre line of such roads.

The history of this is well known to members of Council.

Somewhere about 1942, which is a long time ago, a Game Policy Committee was appointed which produced at somewhat lengthy intervals two interim reports, which I have in my mind now. As a result of the deliberations of that committee, an Ordinance was passed to provide for the establishment of national parks and the preservation of flora and fauna, etc., which was assented to by His Majesty on 28th January, 1945. Since then we have up to now only been able to declare one national park, which was formed about a year ago. The reason why there has had to be some delay in bringing this motion before Council in regard to the Tsavo National Park is, as I have already said in answering questions, that it is impossible for Government to agree to sterilize or partially sterilize large areas of land until we have made quite certain that by so doing we do not adversely affect either existing claims of the native populations or the development of the country in other ways. The particular area which we are discussing to-day had to be very carefully investigated indeed before this motion could be brought.

I should like to explain that it is, of course, not possible under existing circumstances to submit an absolutely accurate survey of the boundaries of the area, and that is why this somewhat lengthy description has appeared on the order paper, and I have laid on the table both yesterday and to-day a map which shows clearly the area concerned. The descriptions which are the subject of this motion have been drawn up on the advice of officers of the Survey Department, and with the help of such detailed plans as are available there. Members will note that a good many alterations had to be made as between the area

[Major Cavendish-Bentinck]

which was originally asked for and the area which has been delineated on the map, as a result of consultations with the Administration and the Chief Native Commissioner—indeed, I myself could not agree to some of the areas originally suggested. We have, however, now I think surmounted all the obstacles. We have discussed the question of the railway reserves with the Kenya and Uganda Railways and Harbours authorities and have got their agreement to the proposals before you. We have made provision for mining, as there are two mining activities going on in this area, one for kyanite at Merca and another one not far from Tsavo Station for graphite. These activities cannot be impeded; they will have to be encouraged. We have provided for road reservations; and we have dealt with all possible African claims; we have provided for Mito Andei, which is possibly a growing centre; and we have met all requirements round Mackinnon Road.

I think I have said enough to satisfy members that every attempt has been made in both directions: that is, to provide at the earliest possible opportunity a national park, as recommended by the National Parks Committee, and at the same time to preserve any rights or developmental activities which exist in the area. This will be the second national park. I hope very shortly that two others will come before this Council in the shape of the Mount Kenya Park and the Aberdare Park, and later on to-day I am proposing another small one.

I hope before this Council comes to an end to be able to introduce some small amendments to the Ordinance to provide for the establishment of national parks, etc. When that is done I hope we shall be able, without infringing in any way the rights of existing inhabitants, to take more effective measures to preserve the wild life of this country than I am doing to-day by proposing this one national park, measures which I think will be very much to our advantage in the future (Hear, hear.)

I think that is all I have to say on this particular motion, which I beg to move.

MR. WYN HARRIS: Mr. President, I beg to second. I do not propose to say very much about this particular motion. Council knows very well why the delay

occurred, and I am happy to say that in my own mind anyway I am satisfied that in accepting the proposals before Council to-day we are not disturbing or interfering with any native rights whatsoever, save for possibly four or five families of Wanderobo—who live by poaching in the area; and I understand that the executive officer of the national park trustees contemplates using them as game scouts! They will probably be effective! (Laughter.) The proposals exclude from the park a certain area along the Tsavo River. We have made this exclusion in case we find any means of using the river area as a settlement area. There is no intention of doing so at the moment, but if we do find any means of turning it into a settlement area we will do so, though I hope it will be made a park adjunct until that occurs.

MR. MATHU: Mr. President, I rise to support the motion and to make a few remarks.

The first is that what the hon. member and his seconder have said is perfectly true, but I should like to place on record two facts. Firstly, that by accepting this motion and by having this area declared as a national park, we must not lose sight of the fact that in the future, if it ever happens that the African people require further land, we would have to come back to this Council and suggest that the land they require for their own economic use be made available. I do not expect that that will be in my life time, but it is important not to close this matter completely.

The second point is that the northern boundary towards Lake Jipsa of this national park which the hon. Chief Native Commissioner says will be a park adjunct later, I should like to emphasize that the Taveta people who live on the western side of Lake Jipsa have made more than one representation that land along the northern side of the lake should be made available for them to graze their cattle. If it is made a park adjunct, I should like to suggest that the authorities who will be concerned should bear in mind that the Taveta still claim that they should be given at any rate grazing rights in that area. I personally have walked over the area, and have discussed the matter with the Taveta people, and I am satisfied that their case is a genuine one and should not be lost

(Mr. Mathu) With those remarks I beg to support the motion.

MR. NICOL: Mr. President, as one of the trustees of the Kenya National Parks and one who is very interested in the development of tourist traffic, I wholeheartedly welcome this motion. The trustees, certainly myself, have been somewhat impatient of the delay in the past, but I think I would be right in saying that undoubtedly the delay has been worth it, because Government have been able to satisfy themselves that no hardship will be felt by anyone in bringing this national park into existence. I would like to thank the hon. mover and seconder for bringing this motion forward.

MAJOR CAVENDISH-BENTINCK: Mr. President, there is only one point to which I should like to reply, raised by the hon. Member for African Interests. He first of all wished to place on record that if, possibly after his life time, claims were made by Africans to this area which could be substantiated, such claims should be reconsidered. That, of course, is provided for in the Ordinance. As regards his other point, the area on the north side of Lake Jipe, I also know that area personally quite well. The land to which he refers is not included in the area we are discussing to-day. When the time comes to discuss that area, as I hope it may, I will explain the position, but in the meantime there is no fear that there will be prohibition of grazing or anything of the kind. I am fully alive to the position.

The question was put and carried.

GEDI

MAJOR CAVENDISH-BENTINCK: Mr. President, I beg to move: Be it resolved, that this Council approves of the Governor declaring the following area to be the Gedi National Park for the purposes of the National Parks Ordinance, 1945—

All that area of land, situated in the Kilifi Administrative District and south-west of Malindi Township, commencing from a concrete pillar situated 4,064.4 ft. (approximately) on an approximate bearing of 302° 24' .06" from the survey point (triangulation) known as Gedi, shown on Survey Plan No. 38806 (Folio 49/69).

thence on an approximate bearing of 260° .19' 28" for 2,099.2 ft.

thence on an approximate bearing of 343° .39' 32" for 1,133.8 ft. to a concrete pillar;

thence on an approximate bearing of 6° .57' .59" for 1,447.0 ft. to a concrete pillar;

thence on an approximate bearing of 86° .50' .03" for 1,296.5 ft. to a concrete pillar;

thence on an approximate bearing of 166° .15' .30" for 269.0 ft. to a concrete pillar;

thence on an approximate bearing of 146° .35' .07" for 1,459.4 ft. to a concrete pillar;

thence on an approximate bearing of 176° .12' .05" for 765.3 ft. to a point of commencement.

Gedi, as we all know, is in a somewhat different category, and I hope that such places or objects as Gedi will in future come under a new category, national monuments, the responsibility of looking after which will again fall to the Kenya National Park Trustees. That will entail a slight change in the Ordinance which has, I know, the agreement of the trustees themselves.

The area which we wish to create the Gedi National Park is just slightly in excess of the circumference of the existing wall of the old town of Gedi, and comprises about 107 acres. It is high time that these monuments were preserved more effectively than they have been in the past and a stop put to local indigenous inhabitants using very valuable historical and archaeological remains as a cheap source of building material. I cannot resist, when speaking about these monuments, mentioning as a typical example Fort Jesus at Mombasa. We have in that one of our most remarkable monuments still used as a goal. We have discussed this scandal ever since I have been in this country. I looked over Fort Jesus only a few days ago, and was quite horrified at the dilapidation going on there. However, we are not discussing that now, but Gedi, which is a similar monument, and I have great pleasure in moving this motion.

MR. WYN HARRIS seconded.

The question was put and carried.

DRAFT ESTIMATES, 1948

SELECT COMMITTEE REPORT

MR. TROUGHTON: Mr. President, I beg to move: That the report of the Select Committee on the Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya, the Draft Estimates of the Kenya contribution to the East Africa High Commission, the Draft Estimates of War Expenditure, the Draft Schedule of Loan Expenditure, and the Draft Estimates of the Development and Reconstruction Authority, for 1948, be adopted.

The unofficial members of this Council have taken a very full part in the deliberations of this committee, at least most of them have, and the official members have been in on the deliberations where their own estimates were concerned. So I do not think that there is any need for me to attempt to go into close detail this morning in moving the adoption of the report. I would confine myself to the major points, and hon. members may find it simpler to follow— if they are disposed to follow!—by having their copies of the report before them.

I do not want to burden hon. members with a lot of figures, but the net result of the examination of the estimates by this Select Committee is that, if its recommendations are adopted, the budget is returned to the Council with a surplus of £77,000 odd. That is the result of both an increase in the expenditure estimates and a still greater increase in the revenue estimates. Perhaps the most important figure of the various increases and decreases and adjustments is the increase of £380,000 or thereabouts in recurrent expenditure.

It is pointed out in paragraph 7 of the report that of that amount, round about £167,000 is a commitment concerning which the committee have little or no option but to vote the money. That consisted first of all of a matter of £126,000 on account of cost of living allowance, concerning which I warned the Council during the budget debate; a matter of £8,500 in respect of agricultural grants to local native councils; and a matter of £3,000 in respect of Indian education, concerning all of which the Council were warned, so that this can have come as no great surprise. There were also a

number of small items where an increase was necessary, and from which increases there was no escape.

Paragraph 3 of the report, dealing with the cost of living—there are two points in that paragraph—

First of all, there was the revision of the cost of living allowance in accordance with the increase in the commodity price level, which is an automatic commitment under the present system of cost of living allowance. But there was a new element, namely, the introduction of a minimum cost of living allowance for members of all races of £75 per annum in the case of Europeans with correspondingly lesser figures for members of other races. That is really an interim salary adjustment in anticipation of the Salaries Commission's deliberations. The Salaries Commission themselves saw that it is quite clear that the post-war salaries will exceed pre-war salaries in the case of the Europeans by at least £75 and by corresponding figures in the case of other races, and I think we all agree that, with the present cost of living, no lesser adjustment could be expected.

The Salaries Commission agreed with this proposal, and I am very happy to say that it was a very pleasant thing to take part in the deliberations on this in the Select Committee, because members obviously showed themselves appreciative of the needs of civil servants and of the difficult times civil servants are undergoing at present. This proposal will make a material difference to quite a number of civil servants who have been suffering hardship.

Paragraph 5, 'This cost of living allowance is inextricably mixed up with the general salary revision. We had in the draft estimates a token figure of £100,000 for revision of salaries. In the event the actual salaries as and when revised will be met from departmental votes, so it seemed better to take out the £100,000 in isolation and add a proportion to each departmental vote, so we added 40 per cent of the existing cost of living allowance to cover the revised cost of living allowance and salaries revision. But I should like to make it quite clear publicly that the committee, in eliminating the £100,000, had no intention whatever of pre-judging any issue concerning the revision of civil servants' salaries.'

[Mr. Troughton]

Paragraph 9. That is a paragraph to which the committee attached very considerable importance. Members felt that with the present level of expenditure, and I can speak pretty well for the whole of the committee, we should endeavour to limit and arrange our expenditure by the estimates for the year, and that spending officers must regard approval of the estimates as settling the whole business for the next twelve months and that additional supplementary provision should not be made with impunity. I think we all agree, except when supplementary provision is made for the appointment of a Member for Industry and Commerce' (Laughter.) It is intended that a circular to all spending officers should issue in the sense of my observations—and omitting the caveat!

Paragraph 10. I think the less said about paragraph 10 the better. Members can read it for themselves, and the public can read it for themselves, and it requires no amplification. But on customs revenue generally, the committee decided to recommend an increase on the whole of something under £300,000. This decision was taken after the most anxious thought and deliberation, and the committee as a whole must accept full responsibility for writing the customs revenue estimates up. We had the Imports Controller in front of us and the Commissioner of Customs, and we discussed the matter very fully, and unananimously came to the conclusion that, in the light of the most recent information, this increase was justified.

Paragraph 18 needs a word. The duties on cigarettes and tobacco sold by N.A.A.F.I. will come to quite a considerable sum with the fairly large Stores Holding Organization at Mackinnon Road, and the committee felt that this should be treated, as it were, as extraordinary revenue and not swallowed up in general revenue. On the other hand, there is a considerable amount of abnormal expenditure arising from the Stores Holding Organization—and from the military garrison generally for the matter of that. For example, there are administrative buildings to be constructed at Mackinnon Road for civil servants, Nanyuki water supply to be much larger than is necessary for the needs of the civilian population there, and it is proposed that this revenue from

N.A.A.F.I. duties, which is of an abnormal character, should be used to meet that type of abnormal expenditure.

Paragraph 20. This paragraph lays down a very important statement of policy. We had a certain amount of discussion and controversy when the Registration Bill was being discussed, and there was some doubt as to the extent to which there should be a tie up between revenue collection and registration. In this paragraph there is a clear recommendation that the fullest possible use should be made of the registration system in order to deal with the problem of tax evasion, and that policy the committee unanimously and warmly commends to this Council.

Paragraph 21. There is no doubt that this paragraph is a hardy annual, and I hope it will continue to appear in this report in future years! (Laughter.)

Paragraph 28. There is no doubt at all that there has been—I do not say there is, and there may be—much abuse of the use of O.H.M.S. cars. Hitherto the policy has been in certain cases, in many cases, to allow the private use against payment of an appropriate sum per mile. So far as the Government of Kenya is concerned, that practice has ceased to be authorized with effect from the beginning of 1948. To use an O.H.M.S. car belonging to Kenya for private purposes is an offence which may be punished with anything up to dismissal, and I hope that this decision of Government's as reported to the committee will receive the widest possible publicity and that the public generally will co-operate with Government in ensuring that there is no abuse of O.H.M.S. cars which are the property of the taxpayers and not the property of individual officers to whom they may be allocated.

Paragraph 46, the Secretariat. Hon. members will see that they were not able to convince the hon. Member for Ukamba or the hon. Member for the Coast that the increase in staff was necessary. I personally am quite satisfied that it is, and it may well be that, quite apart from the possible appointment of another Member of Executive Council, a further increase in the establishment of the Secretariat may be necessary. On the financial side life is not getting easier, and I think a further appointment will be necessary before long, especially as

[Mr. Troughton] The hon. Member for St. Peter's, is one of our best officers. Mr. Petrie, is just going on well deserved promotion as Financial Secretary to Barbados. (Hear, hear.)

Paragraph 51. This question of official entertainment came up and was discussed at great length. It is not known to the general public that there are very few Government officers who draw entertainment allowance, and I do not think any officer in the Legislative Council on the Government side draws this allowance although the opinion I have heard widely expressed is that they do. The committee felt that no further allowances should be considered at the moment because officers are able to claim certain remuneration when they entertain official guests for the night, but the committee did recognize that the whole question of Government entertaining needed reviewing. There are certain officers very heavily out of pocket on that account—one is the Provincial Commissioner, Coast Province, another is the Principal of the Egerton School of Agriculture, and there are a number of others. The committee felt that the whole question of official entertainment should be gone into carefully by an *ad hoc* committee, and until that committee has reported no changes in the present set up should be made.

Paragraph 65. The Information Office, as usual, came under fire. It would indeed be strange if it did not, but the committee felt that there was something wrong with the set up under which the Information Officer, the Social Welfare Adviser, and the Registrar of Co-operative Societies function. The functions of these officers are closely inter-related, and they all come under my hon. friend the Chief Native Commissioner, who acts in an executive capacity in regard to them. The committee felt that my hon. friend should endeavour to reorganize the whole group so as to integrate their activities and make them more efficient, and if possible, more economic. Two members felt that the committee should go further and that the post of Registrar of Co-operative Societies should be eliminated forthwith, but the rest of us felt that the Chief Native Commissioner should have a little time to go into it.

The committee was also informed that an inquiry was taking place into the

extent to which the duties now carried out by district officers should be delegated to subordinate staff, and recommended that the Efficiency/Economy Committee should be associated with this investigation.

Page 2. The great difficulty of educational finance has been stressed by this Council often enough and there is very little for me to say, except that the committee did feel that additional funds must be forthcoming from somewhere, because it was unthinkable that educational facilities should be drastically curtailed in any way. There is no doubt that these views will be borne in mind. They have been brought already to the notice of the committee on educational expenditure under the chairmanship of Sir Bertrand Glancy, which is carrying out a very exhaustive inquiry.

Paragraph 98, training. It is proposed that the Training Centres B and C at Kabete, which are now being used for the training of ex-Servicemen, should in future be used for the training of Africans for civil life. This will mean increased recurrent expenditure on quite a substantial scale, though of course it will be less than the non-recurrent expenditure at present incurred on the training of ex-Servicemen. The committee recognized that the policy to be followed in regard to this civilian training would need very careful handling. For example, would pocket money to trainees be a charge against the parent or on the taxpayer? Would fees be paid, and if they were paid, how would they be assessed? What boarding facilities are to be provided and on what terms? All these points require examination, and the Government's consideration, and the Government's proposals, when formulated, will be put to the Standing Finance Committee.

Paragraph 101. The question of a Government newspaper. I think most members of the committee had doubts—some more, like the hon. Member for the Coast, some less, like myself—regarding the proposal for a Government newspaper. These doubts were, not related, I think, so much to the principal of the proposal as to the ability of the organization to run a paper efficiently and economically. So before anything is done we propose to appoint a committee with the best possible commercial representation on it to advise the Government

[Mr. Troughton] as to the best way to go about this question.

Paragraph 108, flying subsidy. The Government regards it, and the committee regarded it, as most important that we should train the maximum number of pilots of all races. Apart altogether from the value of flying as a means of transport, the pilots trained in Kenya before the war under the scheme that was in operation then were of the greatest possible value during the war, particularly during the early days of the war when they maintained a communications flight in face of the most horrible difficulties, and in face of the greatest possible adversity of all kinds (Applause.) The proposals approved by the committee provide for subsidies for all races and for approved flying clubs.

Paragraph 155, prisons. The committee discussed this question of prisons policy fairly fully. There were several points. First, some people contended that prison labour was being wasted, or employed uneconomically, by the departments actually employing the labour. Again, some members argued that prison labour was treated too generously and that our prisons in fact savoured of happy homes more suitable for local leave than for incarceration though the people who alleged that had no particular personal experience of the prison system in any sense of the term! (Laughter.) To be serious, the committee I think agreed that it was wrong that there should be a lot of loose talk about our prisons, and they felt therefore that the only possible course was properly to investigate the whole matter, in order that everyone could be satisfied, or alternatively that dissatisfaction should be established to be justified.

Public Works Department. The question of the Public Works Department, as usual, loomed large in our deliberations, and there is no doubt whatever that, rightly or wrongly, there is a considerable amount of distrust and criticism of the Public Works Department, but the present business is rather too serious to warrant its being lightly disregarded. The Government feels that, in view of the complaints made, there is nothing for it but to have an inquiry now, with appropriate publicity, with the object of ensuring that the expenditure on the

department is fair to the general taxpayer, that the general taxpayers' complaints are properly investigated, and at the same time that the officers concerned are given a full chance of establishing their difficulties and proving that they have operated the department economically and efficiently.

We were all worried here about the question of building costs, and I should draw attention to paragraph 15, where we say: "In the committee's opinion still greater use should be made than at present of semi-permanent, and even temporary, buildings". We felt that standards should be reduced still more.

Paragraph 153. I am glad that the committee unanimously recommended a very large increase indeed in the Police vote. This vote is beginning to present just as much a problem in its own way as are the votes for education and medical services, and it is very difficult indeed to see daylight in this matter. The committee were assured, however, by my hon. friend the Attorney General and by the Commissioner of Police that this expenditure, with the intensification of training proposed, should lead to a more efficient force, and that this improvement in efficiency should enable some reduction in costs to be brought about in two or three years' time, provided—and the proviso is very important—that there is no increase in the commitments which have to be borne by the Force.

Paragraph 211. The changes set out here were made for reasons of policy rather than for financial reasons. It is not intended that the local native councils should be asked to assume full financial responsibility for agricultural services: It is felt, however, by my hon. friend on my right (Major Cavendish-Bentley) that it is vital that local interest in these services should be maintained and stimulated and that the services themselves should be fully discussed by the local native councils. In the circumstances the best course to adopt seemed to be that, instead of their being financed directly by the Government, they should be financed by the councils against reimbursement through a system of Government grants.

Paragraph 223. This again raises another important question of principle which was brought to our notice by the hon. Member for Nairobi North. There

[Mr. Troughton] is much to be said for shifting some of the burden of a variety of services from the taxpayer to the ratepayer, and I have in mind particularly education and health services. We propose to go into this matter as far as we can during the year. There is a further point in this paragraph, and that is the levying of rates in townships. Provision exists for this under the Township Ordinance with a rather unworkable thing called a Township Account. We propose to go into this and see how far that can be extended, because there is no reason, for instance, why the inhabitants of a township such as, say, Nyeri or Nanyuki, should not pay township rates for local services, just as the inhabitants of Eldoret do.

Paragraph 242. The committee gave a lot of thought to this question of road finance and, as members will see, we were not unanimous. Frankly, we did what might be called a bit of a wangle, in colloquial parlance, to help out district councils without increasing the long-term commitments of the taxpayer. We decided to increase the basic road grant by 10 per cent and to make the 10 per cent retroactive, and we incurred the wrath of three hon. gentlemen gallantly led by my hon. friend the Member for the Coast. This means that more funds proportionately will have been made available for district council roads than for the roads maintained by my hon. friend the Director of Public Works, and I suggest that for that reason it would be unjust to draw any comparison, during the next few months at any rate, between the state of repair of my hon. friend's roads and district council roads, unless, of course, my hon. friend is given more money.

Paragraph 250, medical. Here again, we were in difficulties, the same sort of trouble as we are up against in respect of education, and the only conclusion that we could come to was that more revenue must be obtained, or alternatively the growth of services must be rigidly and rigorously curtailed.

I do not think there is anything else to which I need refer particularly in the first portion of the report, but there are one or two points on the report on the D.A.R.A. Estimates.

First of all, the Development Committee Report is now to some extent out of date. Since it was compiled there have been various changes. Costs have risen, priorities have changed, requirements generally have changed. Now, sir, the Development Committee did not regard their report as having the sanctity of holy writ and being inspired for all time. The members of that committee recognized that the report would require revision from time to time in the light of changing circumstances, and in paragraph 8 of the report the Development Committee recommended the appointment of a planning committee to revise the whole thing and keep it under review. It is proposed to get on with the appointment of that planning committee right away.

The second point I should like to refer to here is in relation to the funds available. Hon. members may remember that the D.A.R.A. programme as set out in the Development Committee report envisaged a total borrowing of about £7,000,000 during the next ten years. That was based on advice from London 18 months ago. The committee recommended that this total should be re-examined and that we should endeavour to ascertain whether we could not bank on borrowing rather more. We have got to plan in the light of the total funds available, and if additional funds can be borrowed, and if interest and sinking funds on these loans can be met, then I contend that for capital expenditure the Colony would be well advised to borrow as much as it possibly can. (Hear, hear.)

Paragraph 275. This is, I think, in many ways the crux of the matter regarding building costs, namely, the high wages in relation to output of Asian artisans, and the committee felt that every possible remedy must be tried; that we should take the most active steps we can for the training of Africans; and that immigration on a restricted scale, with the object of a temporary increase in the number of artisans available for employment, should be encouraged, because we felt that it was only by this supply exceeding the demand that these artisans would have the will to produce an output commensurate with the wages which they can command.

(Mr. Troughton)

Paragraph 289. The committee was impressed with the need for a reorganization of the central Government, and recognized that the central Government could never be properly tied up and function properly until at least all the members of Government and their staff are under one roof. Hence the recommendation there.

Paragraph 292. The tribute paid to Mr. Padley, the Secretary to the committee, is rather more, rather fuller than is usually the case. The committee were, however, very exacting indeed in their demands on the secretary, more so than the Standing Finance Committee usually is, and Mr. Padley, I think all members would agree, did an extremely stout job of work which completely messed up his Christmas holidays! (Applause.)

One more point. This was a new experiment in dealing with the estimates this year. One or two members from time to time were very conspicuous by their absence, but on the whole I think that the experiment worked, and I must say it was to us on the Government side a pleasure to take part in the deliberations of this committee. There was a great deal of team work between the members on all sides and surprisingly little waste of time, particularly considering the size of the body, and I suggest that that is a good omen for the future.

I beg to move.

MR. RANKINE seconded.

SIR ALFRED VINCENT: Mr. President, I have been asked by several of my colleagues to cover briefly what otherwise they would have raised. I have no wish to waste the time of Council, but there are some points to which we would like to add emphasis.

First of all, I should like to say this, that if the hon. Chief Secretary before he came to this country had heard of our reputation and had any misgivings as to our sweet reasonableness, I am certain that those misgivings have been entirely dissipated in his experience as chairman of the select committee on the draft estimates (laughter), and what must have struck him especially, I think, was that there was no racial argument at all. I would like to pay this tribute to him. He was most lenient in allowing us to

come back to a point which we should have thought over overnight and felt should be reconsidered. In that I do believe he interpreted the duties of chairman in a right and just way, and a way which gets results. (Hear, hear.) I need not say that on occasion we had flashes of that brilliant eloquence of the hon. Financial Secretary to which we are all so accustomed. (Laughter.)

Page 3, paragraph 9, the question of supplementary estimates. When speaking in the original debate, I did draw attention to the fact that this question of budgeting and estimates in this country to me as a business man is quite non-understandable, if there is such a word, because no sooner is the budget passed than there come these supplementary estimates, and as I pointed out to hon. members, during 1946 there were special warrants for £1,938,000. I know that was a special year and included £400,000 paid to D.A.R.A. In 1947 it looks as though they reach about a million.

That is why we do want to emphasize what the hon. Financial Secretary has already said, that either these are estimates which the people of the country believe them to be, our bill for the year, or they are not, and I do urge that, hard-boiled though he may be, the hon. Financial Secretary will try and see that paragraph 9 is kept to very, very closely during the coming year, because it is a great necessity for us as I will show later to build up our surplus balances and not fritter away that little extra that comes our way during the year when customs collections are good.

Of paragraph 10 the hon. Financial Secretary said he would not say very much about it, and I do not intend to go into detail, but I do want to say this. It does embrace social services, education and medical, and there have been certain suggestions for raising revenue for those services which are assuming alarming proportions. Some members feel that a tax on sugar and tea must be considered, irrespective of the minority vote by the African members. The Plewman Report recommended we should have a graduated African poll tax, to which there is also a certain amount of resistance on the part of sections of the African community. It is obvious that a rise in poll tax itself would hurt those who really cannot

(Sir Alfred Vincent)

afford to pay the additional amount, but whatever is suggested there will always be an argument produced against it. Nevertheless, we must find that extra money, otherwise we must curtail these services (hear, hear), and we do not want to curtail them by any manner of means.

On the question of paragraph 65, page 8, Registrar of Co-operative Societies, I do feel strongly about this. I do not believe this Registrar is necessary. I do not feel that there is really anything wonderful in being able to master the principles of co-operation and to be able to explain them to the Africans of this country. Therefore, I do think that that post should be considered very seriously by the hon. Chief Native Commissioner, and I am certain, as he has been so reasonable over the Tsavo National Park, that he may be as reasonable over this matter.

On the question of education and education finance—and I must talk about African finance now in its broadest sense—we have this Glancy Committee sitting. Members feel that that committee should take evidence up-country, and if possible they should issue an interim report, because, as the hon. Member for Ukamba pointed out, time and again when we appoint a committee, whether on education or anything else, especially finance, it seems to hold everything up for a year or 18 months, and children still want to be educated in the correct years of their lives, and not later. We feel also that when the African educational policy has been finally decided on, which to me is a matter of very great urgency, the Glancy Committee should be enlarged to take African education under its wing and report on that also.

Page 11, paragraph 101, Information Office, newspaper section. Nobody knows whether a newspaper as an entity is going to do the job. Other proposals have been put forward, and a committee is going to be formed to advise Government as to the best means of getting the truth, which is so essential, over to the African, even in the remote places in the country. But unless we try something what is going to be the result? I maintain that one of the greatest essentials in this country to-day is to enable the African to understand the

truth and have faith in it, and it is no good saying that we do not agree with this or that unless we suggest something really better and effective of which we have had experience ourselves.

Page 13, paragraph 116, Prisons. I have been asked to express the opinion that we were a little reassured about the use of prison labour, but we felt that that really must have very detailed attention.

Page 14, paragraph 141, Public Works Department. I would like to say this. This inquiry which has been suggested by the committee is not directed against any specific department. (Hear, hear.) It is merely this, it is our duty to see the country gets value for money spent, and many think that that value is not obtained and, as far as the members of the Public Works Department are concerned, we are most anxious that justice is done, that they are able to give every particle of evidence they desire, that the general public are also able to give evidence, and that the evidence should be taken in such a way as to enable the committee to obtain full information, so that (I will not say intimidation) no witness shall be frightened to give full evidence, and that the report shall have the fullest publicity, so that we may actually know where we are. (Hear, hear.)

Page 21, paragraph 174, publicity and tourist value of archaeological remains. In this I feel I should only be right in paying a very sincere tribute to the hon. Member for Mombasa. He has to my knowledge for several years fought a very hard battle in the interests of tourism in this country, and I am afraid that many people have been blind to one of our greatest assets. We have something in this country, whether they be old bones or live animals, something which in this hampered world to-day is refreshing to those people who live in other countries, and they want to come here and see them. This industry does not affect the labour of the country, it affects nothing, except that we have that enormous asset of entertainment, for which we have to pay no money. We must allow, through the Building Control, hotel owners to enlarge their hotels or put up hotels, but not with rooms like dog boxes, because that ruins the reputa-

[Sir Alfred Vincent]

tion of any centre of tourist attraction. Proper hotels with proper accommodation should be the aim, and we should have a productive asset in this country which I do not think we have developed sufficiently in the past and the value of which the hon. Member for Mombasa has striven to hard to make us appreciate.

Page 26, paragraph 241, basic road grants. The hon. Financial Secretary has mentioned this matter, but I would say to everyone here that I consider that roads are the first priority in this country bar none. Whatever form of production you think of, whatever avenue you explore, it becomes evident that we must have good roads, and I firmly believe that the people of this country would be prepared to pay more for these roads, that is the road users. That is why I am very glad a committee now sitting to consider the setting up of a road authority is nearing the end of its deliberations. There again we have delay, delay which is unavoidable, and I would ask that that committee if possible make an interim report at the earliest possible moment, because this is a matter of the greatest urgency.

Page 28, paragraph 280, Medical Department. Here again we come to the social services, and I think that the keynote is that those who directly benefit must in some way be asked to contribute a little more. (Hear, hear.) The taxpayers can carry the general set-up, but I believe it is necessary with the small income-yielding population we have in this country, which carries such a tremendous burden, that we must evolve some means of seeing that some payment is made for these services, though I do realize and pay a tribute to the willing way in which, I believe, local native councils collect rates and subscribe money which they know is going to be spent on themselves for these purposes.

Page 29, paragraphs 264 to 267. On this question of controls generally, I feel that we must pay a sincere tribute to Mr. Ghersie and Mr. Collison. I feel that they are not only doing their job with a great deal of ability but what is so strange with people of ability, they are also using a great deal of tact. I am glad that they are going through these controls, and I hope we shall continue

to keep all controls under the very closest scrutiny. Many people in this country say "Do away with them", on the other hand informed opinion says "No", but we must keep them to a minimum.

I have very little else to say except one or two remarks about D.A.R.A.

Page 31, paragraph 271. The hon. Member for the Coast in one of his speeches did show considerable impatience with my colleague Sir Reginald Robins and myself because we did not come up to the expectations he had formed when we were appointed members of D.A.R.A. I share his impatience with all the sincerity I possibly can, but I would say this to the hon. Member for the Coast and others who are disappointed, that one gentleman on one occasion said, a very famous gentleman, "Give us the tools and we will do the job." Since justice is the heritage of the hon. Member for the Coast, I would say to him that if we could obtain the tools, the machinery, the men, and the material we would do the job or get it done. That is the keynote of the slowness of D.A.R.A. I am happy to say that contractors are really beginning to arrive from overseas with plant and a great number of employees, and I trust we shall be better reported on the next time the hon. member rises to address us on the delinquencies of D.A.R.A.

Paragraph 276, the Colony's borrowing capacity. I was very interested in the views given by the hon. Financial Secretary, and this is because at one time in his career I thought he was a wee bit diffident about it, but we should take positive action on this. I suggest the hon. Financial Secretary would do this country a great service if he paid a visit to the United Kingdom and saw the Lords of the Treasury and came to an understanding with them in regard to our borrowing capacity based on the circumstances existing at the present time. Not that we want to get rid of him, but I believe that his eloquence may be almost as effective in London as it is in this Council!

On the question of the final result of the budget, I should like to say this, and I obtained the figures from the Clerk to Council and it appears that we now have a surplus of £2,909,727. If you add

[Sir Alfred Vincent]

to that the reserve fund of £500,000 you get £3,409,727. If you add to that the income tax due and not collected, £600,000, you have a potential surplus balance as at the 31st December, 1948, of £4,009,727. I think people get confused because of D.A.R.A., and I should like to draw the attention of hon. members to the fact that, had it not been for the increased costs of building in the D.A.R.A. programme, and the necessity for extra grants to D.A.R.A. for this reason, our surplus balances to-day would be indeed greater to the amount of £710,000. But it must not be forgotten that our surplus balances are diminishing and fluctuating according to the value of the pound sterling, and this adds emphasis to the point that I made at the beginning, that we must take great care that special warrants do not fritter away our surplus balances during the year, or amounts which would go on increasing those surplus balances.

Finally I feel this, that we did adopt a new method in appointing the whole of the unofficial members to consider these estimates for 1948, and I believe it has proved the right thing to do. I was extremely pleased, if I may say so, with the great detail into which members went into the budget, and very few people realize that, first of all the extra which has been asked for by departmental heads has of necessity gone before the hon. Chief Secretary and the hon. Financial Secretary, and then we tried to tear it to pieces, and if any impression does exist in this country that the Financial Secretary tries to get us to spend money, I should like to say that I found nobody in Government employ who would admit that. I do feel that the responsibility of each individual unofficial member does lie in examining each budget in the full and sincere way in which it was examined this year, and I commend the continuance of that practice to the incoming members of the new Council.

I beg to support.

The debate was adjourned.

ADJOURNMENT

Council rose at 12.55 p.m. and adjourned till 10 a.m. on Friday, 16th January, 1948.

Friday, 16th January, 1948

Council assembled in the Memorial Hall, Nairobi, on Friday, 16th January, 1948.

The President (HON. W. K. HOSKI) took the chair at 10 a.m.

The President opened the Council with prayer.

MINUTES

The minutes of the meeting of 15th January, 1948, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 111—STANDING RULES AND ORDERS

MR. VASEY:

Whether, in view of the coming changes in the constitution of this Council, Government will agree to the appointment of a committee to review the Standing Rules and Orders of the Council and to consider the appointment of a Standing Committee to deal with the business and procedure of the Council?

MR. RANKINE: The reply is in the affirmative.

No. 112—STORAGE OF WHEAT

MR. EYDE:

Is it a fact that Government issued instructions that all wheat being stored in farmers' own stores should be cleared from these stores at least one month before the ensuing harvest and as mills were not in a position to accept all such wheat, certain farmers were directed to deliver such wheat to transit stores such as the Nakuru hangars?

If this is correct will Government state whether the farmers concerned will be expected to bear any loss incurred during such temporary storage due to possible weevil damage, or pilferage over which they have no control?

MAJOR CAVENDISH-BENTINCK: It is a fact that during the course of this crop year, Government, on the advice of the Board of Agriculture, issued instructions, which had not been issued previously, to the effect that all remaining ~~low~~ crop wheat stored on farms in farmers' own stores should be cleared from such stores at least one month before the incoming 1947 harvest. These instructions were

[Major Cavendish-Bentinck] given in order that farmers should be given the opportunity of cleaning and disinfecting their stores between crops in order to combat the unusually heavy weevil infestation prevalent in certain areas. In compliance with these instructions some farmers were directed to deliver such wheat to transit stores at Eldoret and Nakuru.

2. It must be appreciated that during the past, certain transit storage facilities have been provided and farmers have put their wheat into such stores, thus clearing their own stores at their convenience. Such transit stores have existed at Ol Kalou, Ol Joro Orok, and Molo and all wheat so stored has been stored at the farmers' risk and no complaints have been received.

3. In accordance with the new instructions certain farmers unaccustomed to this procedure were given instructions to send their remaining wheat either to Eldoret or Nakuru. The hon. member will be aware that under the "Sale of Wheat Ordinance, 1930," the weight and grade of wheat is computed as delivered at the mill in the case of the wheat to which I am referring, which was delivered to the transit store at Eldoret, the store and mill were adjacent and it was therefore found possible to weigh and grade the wheat on arrival, and any such wheat surplus to the mill's requirements was purchased direct by the Cereals Pool. In regard to wheat destined for the Nairobi Mill the only adequate transit storage available, had the quantities of remaining wheat been in accordance with the estimates, would have been the Nakuru hangars. Some farmers, therefore, were instructed by the Kenya Farmers' Association to deliver their last crop of wheat to these hangars at their own risk in accordance with the usual procedure. In fact, however, the amount of wheat involved was not as great as anticipated and it was found possible to take delivery of all this wheat at the mill and none of it was actually placed in the hangars. Therefore no damage or loss was incurred and the situation visualized in the hon. member's question did not arise.

4. Owing to the heavy rains which occurred this year weevil infestation was particularly heavy and the action referred to above had to be taken. It must also be remembered that there is normally a

shrinkage allowance given to farmers who store their wheat over long periods. The hon. member may rest assured that should it be necessary in the future to insist on wheat being placed in transit stores, otherwise than to suit the farmers own convenience, the interest of the farmers will receive full consideration.

MR. COOKE: Arising out of that question, will the hon. member actively consider the building of grain silos to avoid any possibility of waste in future?

MAJOR CAVENDISH-BENTINCK: That matter has been carefully gone into and a lot of information on an inter-territorial basis and otherwise obtained, and there was a meeting only yesterday, the fourth or fifth of recent meetings, and it is hoped that by the time of the visit of the Paymaster-General that we shall have plans ready.

DRAFT ESTIMATES, 1948

SELECT COMMITTEE REPORT

The debate was resumed.

MR. COCKER: Mr. President, I do not know to whom the credit goes for the brain wave in suggesting that the budget should be referred to a select committee comprising, among others, all the unofficial members of this honourable Council, but I certainly support the view expressed by the hon. Member for Nairobi South that the experiment has been a great success, and I hope that this experiment will be followed with equally satisfactory results in years to come. With one stroke the main burden of the responsibility to balance the budget, "by wangle or otherwise," has been shifted to the shoulders of those who up to now have played the easy part of critics.

My hon. friend the Financial Secretary has on many occasions taken refuge behind the shield of the Salaries Commission whenever the question of civil servants' salaries has been brought up, but he will not be able to enjoy the use of that shelter for very long because the report of the Salaries Commission will be out, we hope, in March. All the tenets of British justice would then demand the immediate implementation of the recommendations of the Commission, with retrospective effect, I hope, from January, 1946. It will be a happy day for Kenya when it is possible for an official announcement to be made introducing the

[Mr. Cocker] the unification of all the services, based on the principle of equal pay for equal merit.

I welcome the proposal by the hon. Attorney General for the establishment of an auxiliary police force which will be open to the volunteers of all the major races of this country. I am sure that with the further training which is to be given and the full realization of their sense of duty, the force will prove to be worthy of its name whenever called upon in emergency cases. I should like to take this opportunity of congratulating the new Commissioner of Police who has lost no time in coming to grips with the grave problem of crime that is in our midst. I hope that his all out efforts will result in completely stamping out at least the violent crime. The confidence of the public in the police which has been lost to a large extent will, I am sure, be restored.

Much was said on the question of the undesirability of most of the controls at the time when the budget was introduced, and it is not my intention to waste the time of this Council by going over that again, but I venture to express the hope that by cutting down the Commodity Distribution Board vote by half, a lot of improvement in the administration of the organization would result and at least, if nothing else, the coupon system which has proved unsatisfactory will disappear, and the efforts of those who are investigating the working of this Board will also result in the provision of more rice, which is the staple food of Asians in this country, as well as other articles which are at present not available officially, but are available in abundance unofficially.

Finally, I fully support the views of the Committee in recommending that active steps should be taken to import artisans from whatever source they are available, so that the building programme of D.A.R.A. may not be held up and the progress of the country may not be retarded.

With those few remarks I support the motion.

MR. COOKE: Mr. President, I am intervening in this debate for two reasons. First, I should be very loath to deprive my hon. friend the Member for Nairobi North of his incursions late in the debate, when having seen—or perhaps so it

appears to me—what the trend of the debate is taking, he rushes with great courage to the aid of the victors. (Laughter.) He does not hesitate to use his little quips and cracks and his little wise sarcasms. In fact I always feel a worm when he has finished with me, because I see that strong John Bull type—a sort of mixture of Mr. Baldwin and the ancient Greeks; and myself the mercurial, undependable, critical Irishman. (Hear, hear.) Also I should hate to deprive my hon. friend the Chief Secretary of giving me some more lessons from the Epistle of St. John when I finish my usual attack on the Government.

The hon. Chief Secretary took great exception to the remarks that I made in the budget debate and which I am going to elaborate now. When I said that many, or most, departments exhibited great chaos and inefficiency, I should like to amend that and say, as I have told him since, that the responsibility for this chaos and inefficiency lies entirely at the doors of the Secretariat. The hon. gentleman said at the meeting of the select committee—

MR. TROUGHTON: On a point of order, is the hon. member speaking to the report or is he speaking to the draft estimates?

MR. COOKE: I am speaking to page 6 of the draft estimates.

THE PRESIDENT: He did not ask you, he asked me. I am not quite sure what the hon. member is talking about. (Laughter.) He is probably developing his argument.

MR. COOKE: Thank you, Sir. For the information of my hon. friend on the other side of Council—he is a little bit less intelligent than he usually is—I am speaking to page 6 of the report, "Minority note by Mr. Cooke." (Laughter.)

The hon. gentleman at the meeting of the select committee said that he would acknowledge—I hope he will correct me if I am wrong—that there was confusion and inefficiency in the country. I looked up this word "chaos" and I found that it means utter confusion, or, whether there is confusion, or utter confusion, or utterable confusion, or confusion worse confounded, the hon. gentleman acknowledges that there is confusion. How does he propose to deal with that confusion? He thinks that the Secretariat

[Mr. Cooke] is under-staffed and therefore it should be increased by so many personnel. Well, Sir, I think that you are only adding to the 20 or so hard-worked officials in the Secretariat six more hard-worked and over-worked officials if you increase the establishment without increasing the efficiency. I know it seems to be taken as a matter of pride that the hon. gentlemen on the other side of Council—I am referring now to the Big Four—work much too hard. It seems to me to be almost as silly to boast of working too hard as it is to boast of working not hard enough, because even donkeys work very hard, and even the *salu* ant works very hard, to say nothing of the blood-sucking tick which sometimes bursts because it works so hard! (Laughter.)

So what we want is not more staff, but arrangements by which more efficiency will be brought into their work. Sir, as you so properly realized, I was leading up to my minority note (Laughter) I have no intention of supporting this suggested addition until I have myself been satisfied that there has been a full investigation into the working of the Secretariat. I agree with a great many other people in this country on this matter. Strange though it may seem, it is a fact that some members on this side of Council, so far as my recent conversations with members of the Nairobi public is concerned, do not always reflect the opinions of their constituents.

My point is this—and I repeat it—that unless the Secretariat is reorganized in its essential working, its proper organization, there can be no real efficiency. At the present moment it is common knowledge—I think you, Sir, might almost take judicial notice of it—that the Membership system is not working. It is absolutely absurd that a man of the calibre of my hon. friend the Member for Agriculture should have to refer to the Secretariat on so many points which have to do with small expenditure and small details of that nature, and until I am satisfied that the Membership system is working in the Secretariat set up, I myself cannot support any increase of staff.

I want to give just two instances of this lack of attention to important matters. I have already quoted and mentioned the memorandum which was quoted by the hon. member, Mr. Mathu, on which

in six months no effective action was taken. It was not even referred to the man who one would have supposed to be most interested in it, the Member for Law and Order. You, Sir, are chairman of the Minimum Wages Board and under whom I have the honour of serving, or had up to quite recently. I myself and the two African members four months ago submitted what, at any rate in our view, were some important points concerning matters which had been brought to our notice as members of the Minimum Wage Board. We took the trouble of writing a factual memorandum, and we submitted that memorandum to the Chief Secretary. Four months have passed and, so far as I know, no action has been taken on the important points that we brought forward. All that I know is that I have had the ordinary acknowledgment on the ordinary buff piece of paper which emanates from the Secretariat.

I want next, if I may, to deal with page 8. District Officers. This is not an attack on district officers, I can assure my hon. friend the Chief Native Commissioner. If it is an attack on anyone it is an attack on himself, not personally but in his position as Chief Native Commissioner. This chaos which starts at the head and taints of the Secretariat must inevitably extend to the Administration, unless there is proper delegation of authority and work. We are always informed that the district officers have no time to deal with important matters, such as that of keeping in proper touch with the Africans—that they are overwhelmed with paper work. If that is so, my submission is that it is the fault of the organization. Twenty years ago the district officer combined in himself most of the different kinds of work connected with his district. He was very often alone, or very short-handed.

To-day he has, as I have put in my minority note, welfare officers, reabsorption officers, revenue officers, labour officers, resident magistrates, native administrative officers, local native council employees, and a host of others; and in addition he very rarely does the actual collection of taxes, which is done by the native authorities. In spite of that the hon. Chief Native Commissioner, whenever he gets up and speaks to defend the present set up, states that the unfortunate district officer is overwhelmed with paper work. If he is—I see the hon. member is nodding

[Mr. Cooke] his head—it is because he does not get about and talk with his people instead of writing. If that is so, the fault lies, it appears to me, with the central Government. If he is so overwhelmed with work, let the hon. gentleman make his case here, and I am sure nobody would be so unreasonable on this side of Council to refuse extra district officers. I know he is going to mention that I have been against the increase in the number of district officers. That is the reason, I have not heard sufficient arguments from the hon. gentleman that there are more district officers required. If he could put up a case even he might convince an obstinate Irishman like myself.

The third point I want to deal with is page 27, basic road grants. There is a serious matter of principle involved, in my opinion, and I gathered in the opinion of my hon. friend the Member for Nairobi North and my hon. friend the Member for Nyanza. The Government chief spokesman has frankly admitted that this particular way of dealing with it is a wangle and, as no member of the Big Four on the other side of Council have dissociated themselves from that expression in this report, or at the time that it was being discussed, I must assume that they also agree that it is a wangle. When senior Government officials and members in positions of responsibility start wangling with the higher finances of this country, I think that perhaps subordinate officers are not so much to blame if they start a series of wangling which sometimes may lead them into the law courts. I think this is a very serious thing, and I am very much surprised that my hon. friend the Chief Secretary and others should have lent themselves to a wangle.

I agree entirely that the basic road grants should be increased, and I naturally think they should be increased by the amount the hon. gentleman mentioned, but there is a perfectly straightforward way of doing that, and that is by charging the amount to the expenditure of this year's estimates. Then the whole country could see that we had put up our expenditure, but if we are representing the interests of our constituents we should be prepared to put up that expenditure, if and when it leads to efficiency. At the same time these gentlemen cut down, or refuse to give, a similar ad-

vance to the Public Works Department. That is bound to lead to the criticism that the district roads are in good condition, because naturally they have got more money to put them in good condition, whereas my hon. friend the Director of Public Works will be criticized for his roads being in bad condition. I know my hon. friend the Financial Secretary will say that this expedient was adopted in order to emphasize the temporary nature of the arrangement. My hon. friend must have a poor opinion of the members of the district councils and the members of the European community up-country if he thinks that they would be deceived for a moment by an expedient like this and not see through it, and realize that in fact it was something they were going to ask for next year or the year after. So that the wangle will not even accomplish the purpose for which it was designed. I hope it is not too late in the day, though I am afraid it is because the cheques have already been paid out, to expunge this particular item, because I cannot see the Secretary of State or anybody at home who tries to take an impartial view of these matters not being very concerned with a device of this kind.

I have not a great deal more to say, but as far as my experience of the committee is concerned and the Standing Finance Committee, the public have got every right to know what happens, and what happens is this. When the estimates are submitted to the hon. Financial Secretary—I am not criticizing him but the system—certain heads of departments put up what they consider to be the irreducible minimum, the minimum by which efficiency can be obtained. They say—and obviously their advice is worth taking or they would not be in the responsible positions that they are—that they require X amount to keep the department up to its efficiency. The hon. gentleman, under this system, cuts down the amount and makes it one third or a half or three-quarters of what was asked.

Surely that is a case of being penny wise and pound foolish, because if they wish to have this maximum amount of efficiency they must have this amount of money that is asked for? The hon. gentleman says there is not enough money in the till, he must cut it down—surely that is spoiling the ship for a ha'porth of tar? He may say that we on this side would

[Mr. Cooke] refuse the money) but does he give us the opportunity? Personally, I have never hesitated to advise increased expenditure if I thought that that increased expenditure added to efficiency, and that is the line I have taken over the Secretariat.

Let me give one example, because examples are always good in this respect. The Director of Public Works asked this year for roughly £170,000 for his roads, but when his estimate emerged from the office of the Financial Secretary that sum was cut down to roughly £120,000, it was cut down roughly by something less than one-third. If the Director of Public Works says that £170,000 is the minimum amount of money that he must have, or his roads will not be in an efficient condition, surely it stands to reason that if the money is cut by one-third those roads will become in a bad condition, and the worst of it is that, instead of the blame being put on the pundits on the other side of Council, my unfortunate hon. friend the Director has to bear on his shoulders, broad as they are, these criticisms of the general public. I think that is entirely unfair.

What struck me as being very serious indeed—and I hope I am not betraying any confidence, if I am I hope I shall be called to order—but the hon. Chief Secretary lodged an objection to our recalling heads of departments, and he said that that was not good for discipline. Well, I—

MR. RANKINE: On a point of order, I never recollect any statement to that effect at all.

MR. COOKE: I have as clear a recollection as possible that I and other members asked if the Financial Secretary was satisfied that heads of departments agreed to these very big reductions in their votes, and we sought later to have heads of departments in front of us to ask them that question.

MR. RANKINE: I agree.

MR. COOKE: You agree?

MR. RANKINE: Yes.

MR. COOKE: We had objections from the hon. member, and my impression was that he said he did not think it was good for discipline that these heads should be recalled. However, we got our way, and

I will give my hon. friend this tribute: he was, except in this particular, and right throughout these deliberations, most reasonable in his approach to these matters.

What I am doing is putting the official Government point of view, and there is nothing personal in what I am saying about the hon. member. He was quite rightly voicing the opinions which had been expressed by high Government officials in the past. (MR. RANKINE: No.)

I think that is inefficiency. It is inefficient not to provide the men with the money that is absolutely necessary for carrying on their jobs. If anyone is to decide, it should not be decided by the blue pencil of any member on the other side. He should frankly state in this Council that the estimates have been put up by half a million pounds, or whatever it may be, because he is convinced after consultation with heads that that expenditure is necessary, and the responsibility of cutting down should be borne by members on this side of Council.

The hon. member, Mr. Thakore, has remarked that this year under the new arrangement responsibility for the first time has been shared by hon. members on this side. I do not agree with that at all. I think that under the old system, and I am not expressing any opinion as to which is the better, under the Standing Finance Committee system every member on this side of Council who was responsible for the appointment of that Standing Finance Committee was equally responsible for the decisions that committee took, so that I do not think there has been any change of responsibility in that matter.

With that, I have nothing more to say, but I do reinforce my old argument, that unless the Secretariat is reformed and reconstituted in its organization from top to bottom, chaos will continue to prevail in this country.

MAJOR JOYCE: Mr. President, I want to refer briefly to three paragraphs on page 6 of this report, paragraphs 46 to 48. They have been referred to at some length by the hon. Member for the Coast, and on the subject of the Secretariat to some extent, strange as it may seem, I find myself in agreement, up to a point only, with my hon. friend the Member for the Coast, and that is reflected in paragraph 47. But

[Major Joyce] I was distressed not to hear from him any constructive suggestions as to how the efficiency of that department might be improved—

MR. COOKE: On a point of order, I have called attention to the fact that I am leaving that to the Efficiency Committee. It is not for me. I am asking for a full inquiry by a responsible committee. That is the line I took.

MAJOR JOYCE: I apologize. Might I draw the attention of the Efficiency Committee to two possible directions in which the efficiency of this organization might be improved?

First of all, I believe it will be quite impossible to get efficiency from the Secretariat or any other large organization that is spread over an immense area of Nairobi, and I believe that until all these departments are grouped under one roof it will be extremely difficult to get the sort of efficiency that we are entitled to expect. (Hear, hear.)

My second point, and I do throw this out as a suggestion which I hope will be explored, is that at various levels in the Secretariat, but primarily at the high levels, they should try and work through some of their routine stuff by means of short weekly conferences among themselves. I am not suggesting the formation of commissions and committees, but I am suggesting merely what is becoming a common practice in business, in the armed forces, and in the Government in England. I believe that if something of that sort were done, an immense amount of work would be cut out.

The question of having everything recorded in files, and with it the fact that it sometimes takes two or three days for a file to emerge from one room in the Secretariat and arrive at a room 20 or 30 yards down the same passage is merely nonsense, and it has been found that far more work can be done with less trouble, more quickly, and more efficiently, if a system of that sort is tried, and I believe that to be necessary to a far greater extent than asking for an extra £5,000 to employ another five or six junior, or even senior, officials in the Secretariat.

I hope very much that some consideration will be given to trying out something of that sort.

I support the motion.

MR. NICOL: Mr. President, I sincerely trust that no hon. member here suffers from the fear of superstition, as on counting heads on the other side I find there are 13 occupants of the Government benches and, by the same token, there are only 13 on this side as well!

Yesterday, the hon. mover referred to paragraph 21, and my hardy annual in regard to estate duty, and I was delighted to hear from him the hope that a similar paragraph would appear in subsequent years, because it seems to me that at last, after a number of years of hammering, I have eventually succeeded in nearly convincing, if not entirely my hon. friend but perhaps Government as well, that estate duty in an agricultural country is a most iniquitous capital levy.

The next paragraph to touch on is 33, Imports Control, and I should just like to pay a tribute to Mr. Wake, who recently relinquished the post of Imports Controller. In fact, I understand that he was forced to do so because if he had not gone back to his normal department he was liable to suffer, which I think a very great pity, because Mr. Wake took over that job at a very difficult time. While most controllers, in fact all controllers, have come under the lash of the tongue of the public, sometimes justifiably, sometimes unjustifiably, I think Mr. Wake put up an extraordinarily good show while there, and I should like to pay this tribute to him.

Paragraph 51, special allowances. I am very glad this recommendation for an ad hoc committee to examine the allowances for officials has appeared. I have felt for a long time that it is grossly unfair and unreasonable that an officer, by virtue of the post he happens to hold should have to dip into his own pocket and provide funds to be able to carry on his job. I know perfectly well that the Provincial Commissioner, Coast Province, has suffered in the past for years and years and years, and I have had very great pleasure in pressing for an increase in his allowance, but with the cost of living rising the allowance is not sufficient. I am also similarly convinced that with the growth of Kisumu, as a port town, and as a night stopping place, the Provincial Commissioner, Nyanza Province, is put in a similar position; and I hope I shall have the opportunity of giving evidence before that particular committee.

[Mr. Nicol]

Paragraph 176, which is a minority note by the hon. Member for Nairobi North and myself on the subject of an archaeological department. I would like to thank the hon. Member for Nairobi North for the remarks he made in regard to the interest I have taken in the past on the subject of the development of the tourist traffic—the hon. Member for Nairobi South, I beg your pardon! But I must say that while Government have sort of said yes, they would support the principle of tourist traffic, I some time ago came to the conclusion that that is purely lip service. I am a member of the Tourist Traffic Committee, which has made recommendations to Government, every one of which has been turned down, and we are thoroughly fed up.

The point of the development of the tourist traffic is the development of the assets of the country, flora and fauna, and also the archaeological deposits which are here. They are enormously valuable. I know that it will perhaps be said by the hon. Chief Native Commissioner with all haste that in principle he agrees with that but money spent on such a department would be better spent on some other form of development in which perhaps he is particularly interested.

My point is this. An archaeological department here would be a real investment, taking the long-term range. You would be able to develop these archaeological sites, which undoubtedly do attract people to the country. These people admittedly—these old fossils, shall we say?—like to look at fossils and study them, and while they may not contribute much to the Colony by way of excise on beer nevertheless they go away and write articles and books, and those things are published in the Press of the world, and people are fired with the idea of coming and looking at the actual country. Such visitors may only spend a very short time on a particular site, but they come here and spend their money. Also, these funny old fossils put fossils in museums and people go along and have a look at them and the advertisement to the Colony is of immense value. I do earnestly hope that Government will realize that they are very much behind the times in not having an archaeological department. Other colonies have them, and I am thinking

particularly of Sudan, and it is a very valuable asset to that territory.

I am going to join issue with the hon. member for the Coast—(MR. COOKE: Let me down lightly!)—on paragraph 242. He has accused the main body of the committee of—I think he actually used the word—a wangle—

MR. TROUGHTON: On a point of personal explanation, the phrase I used was "a bit of a wangle". (Laughter.)

MR. NICOL: A rose by any other name!

I think it is made perfectly clear, despite the argument of the hon. Member for the Coast, that the "committee noted that the provision under these items (that is, basic road grants) was a matter which would, no doubt, be considered in detail by the road authority when appointed, but recognized the necessity for increasing the funds for road maintenance. The committee therefore recommended that, as an interim measure . . ." Surely to goodness that is perfectly fair and legitimate? Why should we prejudge the findings of the road authority any more than we should prejudge the findings of the Salaries Commission? I cannot see there is anything reprehensible or that it was a bit of wangling or dishonest, or whatever other adjective you like to put to it in the method which has been adopted or the expedient which has been adopted to meet the present need at the present time.

MR. COOKE: On a point of order, my argument was that this could have been equally well charged, this expenditure, to this year's estimates.

MR. NICOL: I think the hon. member has forgotten that if we had actually charged to the 1948 expenditure, and prejudged the road authority's recommendations, we were committing the country to this expenditure. That might have been all right if this Council as constituted today was going to carry on for another three or four years, but we should be committing a new Council, and I think we were fully justified in doing this. I have been in business all my life, but I have never been a party to wangling or shady finance, and I do not see why I should be accused of it when dealing with Government finance.

Paragraph 284. May I ask if I can have a reply to that minority note of mine re-

[Mr. Nicol] regarding the Mombasa-Tanga Road so that we can know what is actually happening? This matter has been hanging fire for years and we are getting rather tired of the delay.

Paragraph 290, in which I refer to the police lines in Mombasa. In the committee the hon. Chief Secretary was able to give me some very satisfactory information, which I would ask if he would be good enough to give in open Council so that publicity can be given to what is actually happening. I should be very grateful to him if he could give a full statement.

Finally, I think I am correct in saying that I have served on the Standing Finance Committee longer than any other member or, indeed, than any official or unofficial member as the committee is constituted, and this is the tenth budget which I have had to work on. It is the first time in that period in which the budget has been referred to a committee consisting of all unofficial members of Council and the four official members, and I am sure that that experiment has been fully justified. I sincerely hope that the procedure followed over these estimates will be followed in future, as I think it will be an education to new members coming in. They will get the opportunity to learning their way about this very complicated book containing the draft estimates and of hearing the detailed ideas of the heads of departments and learning a considerable amount about Government policy which they would not unless they sat in this committee. As I hope this will be the last budget on which I shall have an opportunity of talking—(MEMBERS: Shh!)—I might call this my swansong, but I shall christen it my "Exchequer Cantata" or "You will never get the Colony developed unless you budge (it)". (Laughter.)

MR. MATHU: Mr. President, it was not my intention to intervene in this debate, but I feel it my duty to reply to one or two points that have been made in members' speeches on matters that the African community in this country has very much at heart. I refer to the recommendations contained in paragraphs 10 and 11 of this report. There it has been suggested that more revenue should be got for social services, and the way the majority recommend is higher

duties on sugar and tea. My colleague and I have put in a minority note, and if I heard the hon. Member for Nairobi South might he did say—and if he did not he will call me to order—that in spite of the minority note by the two African members they were going to press that higher duties should be levied on sugar and tea.

SIR ALFRED VINCENT: I should like to correct the hon. member. What I said was that despite the minority note of the two members, strong consideration would have to be given to it as the finances would have to be found. That was my intention which I wanted to convey to the African members.

MR. MATHU: I accept the explanation of the hon. member, but I think I ought to make it clear that my colleague and myself as our minority note shows most clearly are not opposed to getting more revenue from indirect taxation. What we have said is that the Europeans and Asians in this country do get relief from direct taxation in the reduction of income tax. The Africans, being very public spirited, do not demand reduction in poll tax. But the Plewman Committee did recommend there should be relief in the form of a reduction of indirect taxation on those commodities which were chiefly consumed by the African community such as cotton piece goods. They say that if that was done and it was found that the country required more money, then there should be a tax on beer, tobacco, tea and sugar in that order. They emphasized that. The majority of the estimates committee in this report reverse the order, and want sugar and tea to be taxed and beer and tobacco to be left untouched. We oppose that. We are supporting the Plewman Committee as far as that recommendation is concerned, and nothing is going to change our views on it, because if you tax tea and sugar definitely the African is going to be hit harder than any other community, and if they insist that that should be done all we can say is we are sorry that we are in the minority, and will have to use all the influence we have to see that the African does not consume sugar and tea, because I think it will be only fair we should support the recommendations of the Plewman Committee and that we should

[Mr. Mathu] give relief to the African in the way they recommend in paragraph 162 of their report.

If we want to raise more revenue we should do it in the way they have suggested, by higher duties on beer, tobacco, sugar and tea in that order. If we do mean that the money accruing from taxation on sugar and tea is particularly to be used in African social services, let us be straightforward and frank, and say that that money will be funded especially for African services and earmarked thus. Then we as a community can see what we are going to sacrifice because we know that this sum, whatever it will be, is going to be expended on African education or other social services.

Unless that is done, I should like to assure this Council in all sincerity that the African community would be justified in opposing any such taxation as recommended in paragraph 10 of this report.

The African asks this. He wants education, and if hon. members have not already done so I should like to suggest that they study the local native councils' estimates of revenue and expenditure for 1948. From those estimates they will learn that local native council rates have gone up in almost every one of the twenty-six councils in the country, and this year the African is going to tax himself for education alone to the tune of about £25,000 as a special rate, for seven councils are going to tax themselves above the ordinary rate to a total of approximately £25,000 on education. That should not be lost sight of, that the ordinary rates of twenty-six local native councils have gone up this year at least by 25 to 50 per cent over last year's estimates. That shows that the African does like to help himself and finance his social services.

The paragraph 10 that I am attacking is at variance with the Development Committee report, which I have raised *ad nauseam* in this Council. We do not even know what plans Government have for our education. Other communities have had their own on a very generous scale—ours per head of population is 40 cents while others are in tens of

shillings, and to go and say that social services, particularly African education must be refused when we do not even know how much money Government is going to spend in the next ten years, the African community cannot agree.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

The debate was continued.

MR. MATHU (*Continuing*): Mr. President, when Council rose for the usual interval I had been making remarks on the educational provision as it affects the Africans, and I was saying that the Development Committee report made very niggardly provision as far as the development of African education was concerned. What is disheartening from the African point of view is that the plans, on the basis of that niggardly provision, are not ready yet, when the plans of other communities are going ahead. I was also suggesting that as far as educational needs are concerned the African has more than any other community, because most of them are illiterate, and I feel that it is definitely the duty of Government to see that illiteracy is removed. I also suggested that the African community is looking on to see the money coming from general revenue when they are contributing towards that, and I instance the £25,000 voted by the Local Native Council this year. I did not mention other ways in which the Africans try to help themselves in paying for education. I was making the point that the African community will oppose the imposition of indirect taxation on tea and sugar, and that if we have to have taxation, we follow the recommendation of the Plewman Committee and also tax the four commodities—beer, tobacco, tea and sugar, in that order.

I have seen in the select committee here, and other statutory committees, a tendency on the part of certain members to look at the African only in the way of taxing him more. Tax him more! Very often suggestions are made to tax heavy vehicles more, and I know that the African is going to be hit hard. The Nairobi Municipal Council has made suggestions for collecting fees for lorries and buses when they park in the new parks, to the tune of Sh. 200, and that again I know is going to hit the African harder than any other community. It is

[Mr. Mathu] not fair that we should only think of how to get more from the African community, without at the same time giving the other side of the picture—how the African community can earn more in order to be able to pay more. The wage levels have remained the same for years; the African's opportunities for trade are limited; he does not get the same opportunities as other communities. His agricultural crops also receive less than the crops of other communities, and I ask you—where is this money coming from? I wonder how you can tax the African to the hilt, when you refuse him opportunities for making more in order to contribute more. That is the thing I cannot see the sense of.

That is all I have to say in regard to paragraph 10, and I should like now to make some remarks on medical services.

In paragraph 250 the Committee viewed with concern the rapidly mounting expenditure on medical services, particularly for the African community—there again, particularly for the African community—and then they go on to say that all those who benefit from these services should contribute more than they do. We are not quarrelling with the fact that we ought to contribute more, but on the other hand I do not see how we can go on and make different recommendations from those made by the committee appointed to go into the question of the practicability of charging fees in African hospitals and other places for medical services. That committee definitely recommended that it was impracticable to charge fees in respect of these people. That is one side of it. The other side of it, as I have said, is we want to tax him further on medical services, as we do in other directions, but we should at the same time be more generous in giving the African opportunities to earn more. To give you an example, in paragraph 98 of this report and paragraph 275 with regard to the training centres for the training of artisans, Centre B, we find that they recommend that, although the recurrent expenditure will rise, the capital expenditure may be reduced, because the provision made in Part C of item 19 of the Draft Estimates will be reduced. My argument in the committee was that the hon. Financial Secretary in

presenting the budget last year did make a categorical statement.

He said that the artisans are scarce. That is one thing.

The other thing is that in paragraph 275 of the report we recommend encouraging the importation of artisans, and in paragraph 98 reducing the expenditure on the training of African artisans. That, in my humble submission, does not seem to make sense. What we ought to do, as I suggested, is to increase the facilities for training African artisans in this country, so that they can fill the gap that is definitely there in the building trade. I do not see how we are going to encourage the importation of artisans. Are we going to say that we will reduce expenditure on the training centres for artisans, and expect to be able to have an army of technical men in this country, men who are permanent residents? I suggest that this matter should be carefully scrutinized, because I do not welcome this encouragement of importing people from outside, when we have the material here to use in our development programmes.

I will give you another anomaly. In paragraph 49 we are recommending that Europeans should be employed as foremen in local native council areas, thereby decreasing the opportunities for African artisans to take their proper responsibility as foremen in their own areas. There, again, I feel we are doing it in the wrong way. We are not giving the African the opportunity he requires in this direction. I am not against employing Europeans, but why do so when you have the African who can be trained to do the job.

It has been voiced in committee, and openly in this Council, that the African does not carry responsibility. I do not agree with that. I have the authority. If I may quote him, of my hon. friend the Chief Secretary who said in debate here that all you need do is to repeat a lie too often and it becomes the truth. Surely, if you repeat this lie about the irresponsibility of the African, when I know that is not true—and it is said by people who have an axe to grind—it may become a truth. I am against it. What I am suggesting is, as a leader in the East African Standard, said when making observations on the question of freedom

[Mr. Mathu] of assembly, that the African should be given responsibility. If you do not give them responsibility they can never take responsibility. There could never be a greater truth. (Hear, hear.)

In sitting down and in supporting this motion, I should like Council to consider most seriously how they are tackling these African problems. I should like to place on record how much I appreciate the tremendous interest that the unofficial members, particularly on this side of Council, have shown in African affairs. That is a point that I should definitely like to place on record before the dissolution of this Council, but at the same time I should like to say that we have to reorientate our own ideas in regard to African affairs and not be accused of one-sidedness. Let us have the whole picture properly before us.

Before sitting down I should like to associate myself with the remarks of the hon. Member for Nairobi South that the experiment of co-opting all the unofficial members to deal with the estimates at any rate deserves another trial and then we can see what will happen. I had hoped that that would have reduced the amount of debate on this side of Council, and that is why I was not intending to speak at all because we all had our say in committee, and I thought that this motion would be adopted without debate. I do not know whether that is constitutional, but the fact remains that this experiment is, I suggest, worth repeating.

I beg to support.

MR. WYN HARRIS: Mr. President, I propose to have one merit in my speech anyhow: I propose to be very brief. I will deal with the points raised by my hon. friend Mr. Mathu first if I may.

I cannot help feeling that he has rather missed the point of the particular motion before the Council which the adoption of this report, and all he said, much of what he said, being points of principle, are worthy of thought, and should have been said in the budget debate. I therefore do not propose to reply in detail, beyond pointing out that it is quite clear, if our African social services are to be increased at the rate they are increasing, then we have got to find the revenue from somewhere. I cannot agree

more with his suggestion that we have to improve the African way of life, and to do so we have got to keep pace with the increase of our services. It is equally obvious that the African for his part has got to put out ever increasing efforts in order to enable us to do so.

The hon. member mentioned two sections in the report. One was paragraph 98, over the reduction in the vote of Centre C. The reduction in recurrent expenditure, I would explain, has nothing to do with reduction in training. It is merely that at the present moment the ex-soldiers are receiving very high allowances, and civilians, when the scheme comes in for them, will receive lower allowances, in fact if any. I would also say, while on that particular section, that I find myself very reluctant to accept the suggestion of my hon. friend the Financial Secretary that fees should be paid in these particular centres. I think that when we go ahead with these centres on a civilian basis we have got to go into that particular point very carefully. I think I am right in saying that Government has not committed itself whether fees are to be paid or exactly what allowances, if any, trainees will require.

I am very gratified to find that my hon. friend the Member for the Coast has bobbed up again, "bloody, but not unbowed". (Laughter.) I am not going to deal with his criticism of the Secretariat in detail. I think I have done my best over the last two weeks to indicate why I think the Secretariat is not as efficient as it might be, but we cannot let this memorandum on public assembly go on being dragged up, like the Karatina Vegetable Factory, time after time, as an example of inefficiency. That memorandum was dealt with by the hon. Deputy Chief Secretary and myself, and I probably know it backwards. I do not know whether it is inefficient that the hon. member for Law and Order had not been consulted at that stage, because we were still dealing with the political aspects of it. (MR. COOKE: After six months!)

So much for the Secretariat. Now I am going to deal with paragraph 65: "The Committee felt that as far as the work of the Registrar of Co-operative Societies, the Social Welfare Adviser and a large proportion of the work of the Information Officer were concerned, the

[Mr. Wyn Harris]

functions were closely inter-related and recommended, by a majority, that the Chief Native Commissioner should consider whether the functions of the officers concerned could be more closely co-ordinated . . ." I think it would be slightly fairer if in that particular paragraph it was said that in point of fact the whole scheme for this interrelation is in train, and I hope we will be starting within the next two months.

I regret the fact that two members thought it necessary to put in a minority note that the post of Registrar of Co-operative Societies should be deleted from the estimates, and I do suggest that it is a little illogical to put up suggestions for a Member for Trade and Commerce and at the same time to suggest the deletion of a post which certainly will do a great deal, if we are sensible, in improving the industry and commerce of the African. I am glad to be able to say that we have got a very energetic and able officer doing the job at the present moment. He is down in Nyanza, and I hope that next year, when I will have to report back to Council in the budget debate, we may be able to show more than we have been able to show in the past, but, as was pointed out by the Adviser on Co-operative Societies, you have got to remember that it is a very slow process getting co-operation going, and he warned us that we might not be able to show much fruit for many years to come. We are beginning to show a certain amount in Nyanza and I hope in another year we will show much more.

"Paragraph 67—minority note by Mr. Cooke." The main burden of his song is . . .

MR. COOKE: On a point of order, the hon. member's colleague rose on a point of order when I referred to an hon. member by his name. I am, therefore, a little bit surprised that his next door neighbour has done exactly the same thing.

THE PRESIDENT: There is a great deal of difficulty in this Council sometimes in referring to members by name, because in some cases, like the members for African Interests, there are two members, and, unless we adopt the House of Commons practice of referring to one as

the senior member, and so forth, we shall always be lapsing into it. If you lapse into it in one case permissibly, then there is the danger of lapsing into it when there is a member representing a definite geographical area. I think members should take care.

MR. WYN HARRIS: Mr. President, I apologise, but I would point out that I was actually quoting verbatim from the report. I was not referring to the hon. Member for the Coast as such, but was quoting from the "minority note on Head 5 by Mr. Cooke". The burden of his song there is that he says: "I submit that what has been taken from the shoulders of the district officer far outweighs that which has been added to his burden." I am not going into detail. I can only say that, if anyone really believes that statement, I do suggest that they go round the districts and study the position. I will give just two examples of the sort of thing that is happening. The African now demands individual attention in the way he never demanded it twenty years ago. In one land case alone in the Kiambu district I know that something in the neighbourhood of two hundred letters have passed between the district administration and the various persons concerned. At Embu, where there used to be about three, or four, or possibly ten letters a month twice a week, there are now 100 every three times a week. In addition they have the wireless to keep them occupied.

During the last year we have been short of staff, and it is only just this month that we have fifteen more men coming out, and at the end of last year we had another fifteen, which gives us thirty new men. That will relieve the burden on the Administration very considerably. But to suggest that the burden on the district officer's shoulders has been lightened could not be agreed to by any single man in the Administration, and nobody who is unbiased and who knows the position would agree that that was true. If there is any district officer who says he has not enough work to do, the sooner we get rid of him out of the service the better.

Head 69. I do want to make the point that while the committee recommended that the provision under "Laminé relief" should be reduced from £70,000 to

[Mr. Wyn Harris] £10,000 the committee did not intend of course to indicate that we should not assist immediately if famine raised its head in any district in this country.

One final point, paragraphs 101 to 103, newspapers. I refer to paragraph 103 where the hon. Member for the Coast records the strongest possible opposition to a Government newspaper and gives his reasons. I should have thought the hon. member to be the last man to oppose this proposal, because it is he himself who recently has been the unwitting cause of the sort of stuff in the local vernacular Press which does so much harm to the confidence that the African has in the Administration. Without a weapon of some sort Government is powerless to deal with it. As an example, I refer to the vernacular Press of the 9th January, to a report of the hon. member's motion—I am not blaming him, but I am merely giving the results of what occurred in this Council.

In banner headlines the following appeared in the vernacular Press the following morning "Government breaks its promises to Africans" its promises to Somalis, to the Sudanese and to the Watenta" in banner headlines (Mr. COOKE: Perfectly true.) It goes on to say "In Legislative Council yesterday Mr. S. V. Cooke made a bitter attack accusing the Government of breaking many promises to Africans. He went on to say that the African had no trust in the Government to-day." It finished up—and this is where I feel it is so unfair and that we must have something to deal with this sort of thing—"the answer of the Financial Secretary and the Chief Native Commissioner will be printed tomorrow". The only reference that I found to that was in a leading article praising the motion of the hon. Member for the Coast to the skies, and which went on as follows: "The hon. Chief Native Commissioner of course had to defend his side by being less favourable to the hon. member's speech. —less favourable is good." "Naturally as a Government official he must defend his side with vigour, and he did it nicely too".

I was not reported beyond this, nor, as far as I know, was the actual vote in this Council reported. I submit that we

have got to have a Government newspaper. Admitted it may be a financial flop as suggested by the hon. member, it may not accomplish its professed object of getting propaganda to the African, and admitted that it may be in competition with *Baraza*, but I am going to do my best to see it does not interfere with *Baraza's* interest. If necessary we may have to alter our plans a little, but we have got to do something to get more news across.

I think that is all I have got to say on this particular motion, and I sit down.

MR. VASEY: Mr. President, just before the hon. Member for the Coast spoke I said to him "shall I speak first this time?"—(MR. COOKE: Can you repeat private conversations?)—and the hon. gentleman said "No". I wondered why. I now realize, of course, that had he allowed me to speak first his carefully prepared—

MR. COOKE: On a point of order—

MR. VASEY: Unless it is I shall not give way.

THE PRESIDENT: What is the point of order?

MR. COOKE: He made a misstatement. I did not tell him I was going to take that attitude and speak first—

MR. FOSTER SUTTON: Is that an explanation or a point of order?

MR. COOKE: If you—

THE PRESIDENT: To raise a point of order the hon. member must point to something in the words of the hon. member who has possession of the floor which are out of order, and so far as I have heard there is nothing which the hon. member has said which is out of order.

MR. COOKE: On a point of order, you yourself if I may say so failed—

THE PRESIDENT: You cannot raise a point of order.

MR. COOKE:—

THE PRESIDENT: Allow me. When the President rules on a point of order that is the end of it. The hon. member for Nairobi North will continue.

MR. VASEY: I realize that had I spoken first the hon. Member for the Coast's carefully prepared witticisms and extremely heavy sarcasm would have had to be wiped from his speech. The hon. Member for the Coast stated explicitly that I waited until the end of a debate in order that I should know on which side the winning side, to speak. I would draw the hon. member's attention and ask for your ruling to Standing Rule and Order No. 43 (x): "A member must not impute improper motives to any other member".

THE PRESIDENT: This is not the first opportunity you have had of raising this.

MR. VASEY: On a point of order, I did not wish to interrupt the hon. member during his flow of invective, but thought it better to allow him to achieve his object.

MR. COOKE: On a point of order I cast no reflection—

MR. VASEY: I am not prepared to give way.

MR. COOKE: It was his tactics that I was deploring.

MR. VASEY: I am not compelled to give way except on a point of order, and I would ask, for the guidance of future members of this Council, that you should give a ruling on the remarks made by the hon. Member for the Coast against my personal motives in taking a late place in this debate.

MR. COOKE: Any debates.

THE PRESIDENT: That will come under Standing Rule and Order No. 43 (x) (a) imputing improper motives.

MR. VASEY: And also on a point of order under (x) (d).

THE PRESIDENT:—

MR. COOKE: I would ask that you also give a ruling as to why you permitted the Chief Native Commissioner to say that I was making deliberate attempts to drive a wedge between senior and junior officials.

THE PRESIDENT: I am afraid that you have entirely misconceived what my functions are. It is not my function to

intervene in the course of a debate if any hon. member is out of order or is by way of indulging in personalities or offensive expressions—it is for the person offended immediately to rise—(MR. COOKE: I am satisfied)—and ask for the words to be taken down and there is an opportunity of settling the matter on the spot. But I deprecate the way in which this has been raised now very much, and I do not think I can usefully give any ruling at this stage. These things should be taken at once.

MR. VASEY: I accept that ruling, and in my remarks I said merely for the guidance of future members and not to deal with my particular occasion.

THE PRESIDENT: On the point regarding guidance for the future, it is to be hoped that though this is a very small body and everybody is personally acquainted, they will none the less not take advantage of the fact that they are acquainted, and will endeavour to do their best to maintain the tone and dignity of the Assembly by not indulging in personalities or offensive expressions. (Hear, hear.)

MR. VASEY: Thank you, sir.

Of the hon. member's remarks against my motives, my political courage, my political interest, and my political integrity, which he made I will say nothing, but will treat them with the contempt which I feel they deserve. I will leave the judgment as to whether I possess in any measure these other particular qualities to the members of Council and the record of Hansard.

Now, the hon. Member for African affairs, Mr. Mathu, made only one point to which I should like to refer. He spoke about the action of Nairobi Municipal Council in imposing a tax on vehicles using the parking places, which might amount to the sum of Sh. 200 per head, and said this would press heavily on the African. It might press heavily on some African bus owners, but I should like to put on record that the ratepayers of Nairobi, the direct ratepayers of Nairobi, who are Asian and European in character, have increased their rate upon themselves from one and a quarter per cent to five per cent in the last few years, and that a large proportion of that

[Mr. Vasey] increased rate is carrying the burden of African welfare and development.

There are only three small questions I should like to ask on this report.

In my speech on the draft estimates I asked Government to give a statement on the Police Terms of Service Committee report. In that I signed a minority report which asked that the terms of service of the police should be placed on a separate terms of service basis. My hon. friend the Member for the Coast will doubtless be surprised to hear that someone else sometimes has the courage to sign a minority report, but it was so. I asked in my speech on the draft estimates that this should be answered, and I believe the hon. Financial Secretary omitted to answer during the debate owing to the stress of the time restriction under which he was labouring.

I also raised the question, which is to deal with the Prisons head, of the Habitual Offenders Committee report, which was laid on the table of Council, and on which there has so far been no debate nor has there been any statement of Government policy I would like, while recognizing that the hon gentlemen on the opposite side cannot at the present moment give us a complete statement of policy, I would like an assurance that a statement of Government policy on that report will be issued at the earliest possible moment.

One hint for the Director of Education and the Member for Health and Local Government: that is, the sanitary condition at Parklands School and the condition of the African servants' quarters who are living there are very distressing, and I would like an assurance from Government that they will go into this matter and rectify it and certainly, as far as the African servants' quarters are concerned, bring them up to the standard required by the by-laws of the Municipal Council of Nairobi.

Paragraph 268, on the question of the amalgamation of the Commodity Distribution Board, Maize Control, and Produce Control. I would ask that this action, which I believe will produce a substantial economy in the estimates, should be undertaken at the earliest possible moment.

One final question. Page 33, paragraph 291. This is a new item, European and Asian staff quarters, and "the sum of £200,000 is to be made available from the 1947 surplus balance for the provision of housing for European and Asian officers in urban areas", and the committee "noted with satisfaction that work on this project would begin immediately". There is a very grave discontent, particularly in Nairobi and Mombasa, with the position of housing for Asian and European Government servants. It is a cause of great discontent and dissatisfaction, and I should be very grateful—and I am sure the civil servants of Nairobi and Mombasa would be grateful also—if Government could publish its intended programme, particularly as regards these two centres, at the earliest possible moment, together with the target date for the completion of these quarters.

I beg to support the motion.

MR. FOSTER SUTTON: SIR, I only rise to answer the point made by the hon member for Nairobi North. He said he hoped that Government would soon make a statement regarding the report which I think is referred to as the Slade Report. The position is that I hope that very shortly some of the recommendations of the Habitual Offenders Committee will be translated into action. There are other aspects of it which, owing to the financial stringency, it will not be possible to give effect to at the present juncture, but I shall be very happy to make a statement at a later stage, and I hope it may be possible to introduce some legislation before this Council dissolves. That may not be possible, but I will make an effort to give effect to some of the recommendations.

DR. RANA: MR. PRESIDENT, it was not my intention to say anything this morning, but there are two things which I want to raise.

When the final draft of the Select Committee report on the estimates was discussed I was not unfortunately present and, consequently, I only saw it this morning. Unfortunately, the debate has become an oratorical contest on this side of Council, and if I kept quiet it might be taken that I was mum. First of all, I should like to take the opportunity of

[Dr. Rana] congratulating most heartily the chairman of the committee and the official members and the heads of departments, who so kindly answered all the questions raised by the unofficial members, I can honestly say that this was the best way to deal with the budget, and I hope and request that in the future this practice will be continued.

I would like to refer to paragraphs 10 and 11, page 3, under revenue. As hon. members know, I was one who pleaded that it would be very harsh if any of the excise duties were increased on tea and sugar. I am not going into details, but from a medical point of view those things form a very great part of the African and Asian food. Some hon. members may think it would be adding only a few cents, but the cost of living, as noted by the hon. Member for Nairobi North, is increasing in this country, and it would be creating a very vicious circle to increase these duties. In the long run they would come to a very great item. I am not in favour of sugar and tea carrying any more excise duties, and wholeheartedly support the hon. member Mr. Mathu in what he said. But I must make it clear that I am not of the opinion of the hon. member Mr. Mathu, that if there is going to be more duty that money should be specially allocated to African social services. That sort of system is not at all good. If each community begins to count how much it gives to revenue, there will be no end to this sort of thing of everybody asking for profits to be utilized for the separate races. I am sorry to say that everyone of us desires that the social services should be increased, but there is a limit. In my opinion, social services follow when conditions in the country improve, and the main consideration Government should keep in view is to place every obstacle in the way of allowing any increases of any description.

With those few words I pass on to Controls. I do not want to waste time, but I think most members and Government agree they are very obnoxious, and in the past three years all have been agreeing on both sides of Council that it is so but no steps have unfortunately been taken to do away with them. The costs of Controls have increased each year. In different parts of the world,

including India, there is so much scarcity of food and so much dishonesty that even they are trying to de-control most essential things, and I do not see any reason why we should not do so in certain cases and see how it works instead of keeping on this elaborate system three years after the war. They may be very good, but at the same time they cause a very great increase in the cost of living in this country. In one form or another everyone gets what they want, and at the same time they are paying through their noses.

Coming to the last question, D.A.R.A., I have nothing to say except that I would request the hon. Chief Secretary, who is chairman, that the recommendation on page 31 for a planning committee be carried out so that all the schemes can be considered together. I would request that every possible attempt be made by Government in increasing the economic wealth of the colony by every means and whatever schemes are necessary to that end should be considered. Others that can be done without should be delayed for a few years. I hope that this recommendation will take effect so that no money is wasted.

I support the motion.

MR. RANKINE: MR. PRESIDENT, I do not wish to prolong this debate more than is necessary because I know many hon. members are already becoming weary, but there are one or two points, especially with regard to D.A.R.A., about which hon. members have expressed particular concern and a wish for further information.

In the first place, the Mombasa Police Lines. The position presented two difficulties: the first with regard to the site; the second with regard to the type of building. As regards the former, as I could not go to Mombasa myself I requested the Provincial Commissioner to give the matter his urgent and personal attention, and I am glad to say that he did so with great promptness. He appointed a site Selection Committee which did their job, and it was recommended that the lines should be built on the site originally recommended, I believe, by the hon. Member for Mombasa and Archdeacon Beecher. This has been approved by the Town Planning Adviser, and I am glad to say that I was

[Mr. Rankine] informed this morning by the Commissioner of Lands, Mines and Surveys that he has no objection to it, and that the railway have agreed to lease the land. So far as that is concerned, therefore, I think the site is settled, and no doubt the hon. Member for Mombasa can take great satisfaction in that it was the one he has pressed for so long.

As regards buildings, it was decided, owing to the high value of land in Mombasa, that they would have to be two story. This involved a completely new design, and there was much argument between all the various authorities concerned as to the design, but I am glad to say that the plans were completed last month and were sent to the Divisional Engineer, Mombasa, for an estimate I should have added that Sir Gilbert Rennie had decided, in view of the differences of opinion as to the type of building, that two types should be erected and that we should then judge them on their relative merits, but I hope there will be no further argument with regard to design; otherwise it will only involve further delay I hope that we are now on the point of being able to give orders for the work to start.

As regards housing, during its deliberations the Select Committee recommended the provision of £200,000 for European and Asian housing in urban areas. Naturally it has not yet been possible to make final plans for the spending of all that money. Indeed, I do not think Council would expect us to go quite as fast as that in view of the magnitude of the sum involved. A great deal of careful thought is necessary, and I have not yet got all the figures on which I could base a final allocation. By far the most acute shortage is in European housing in Nairobi, but Mombasa runs a very good second. As I was not able to go myself, I sent the Secretary of D.A.R.A., Mr. Deverell, to Mombasa to go into the question there, and we have made the following provisional allocations—I ought to make it clear that these are only provisional allocations.

We propose to spend roughly £125,000 of that money on European and Asian housing in Nairobi, approximately £50,000 on European and Asian housing in Mombasa, and the remaining £25,000

on the other areas—Kitale, Eldoret, Nakuru and Kisumu. Plans are very nearly complete to start building in *pisé-de-terre* in Nairobi for Europeans, and I hope that it will be possible with the sum available to erect something like 70 houses for Europeans and 20 houses for Asians in Nairobi, and 20 for each in Mombasa. It is quite clear that the sum provided will not by any means deal with the whole problem, but I hope it will go a long way towards breaking the back of it.

The plans for building in *pisé-de-terre*, as I have said, are very nearly complete. Officers have been sent to Rhodesia to study methods there and have returned. Materials have been ordered. We have not by any means got them all, but we are hoping to get the vast majority, and I hope to start building at the beginning of next month—and, again I must make it clear that this is a hope—that we will be able to build the 70 houses we contemplate by the end of the year. In addition to this we have given authority for the erection of a hostel in Mombasa to house 12 officers.

I may say here that the plans for *pisé-de-terre* are available in my office. If any hon. member is interested I should be only too glad to let him see them.

As regard the Mombasa-Tanga road, the trouble is primarily one of finance. It is estimated that the road will cost something in the region of £120,000. The Central Roads and Traffic Board, which has drawn up the road construction programme which it is hoped it will be possible to undertake with the funds at our disposal, has not found it possible to include the road in their programme. Should, however, the new Road Authority be set up and should it be provided with additional money, it might agree to include this road in the programme, and I can assure the hon. Member for Mombasa that if that happens there is no doubt that the claims of that road will receive full consideration.

As regards the Nakuru Indian School, I have already informed the hon. Member for Western Area that as soon as the working drawings and quantities have been prepared we will send the plans to the Indian Association there and

[Mr. Rankine] invite them to call for tenders, and, if they can get satisfactory tenders within the estimate, we will give authority for the work to proceed; on one condition, and that is that it should be subject to adequate inspection to ensure that the specifications are fulfilled.

As regards the Secretariat, the hon. Member for Ukamba has made certain suggestions which are helpful and constructive, and I should like him to know that we have already given some consideration to the suggestion that he made and that it is a matter which I intend to go into as soon as I have the opportunity. As regards what have been referred to as the Big Four—or perhaps the hon. Member for the Coast would prefer to call them the Wicked Four (Mr. COOKE: Have it your own way!)—we have already adopted this proposal, and I do not think that any time is wasted in writing minutes or in pushing round files. Nearly all consultations are done by direct discussion. It is, however, as I have said, a matter which can be adopted to a large extent, and I hope that it will be able to do so.

The hon. Member for the Coast has, of course, brought up his hardy annual. I should like to give him an assurance, before I go any further, that I have no intention of bringing in racial questions, nor do I intend to lecture him, for two very good reasons: the first is that I have no doubt that I would make not the slightest impression upon him (laughter), and the second is that I should hate anybody to think that I was in any way responsible for any of his utterances (laughter). (Mr. COOKE: Jointly responsible)—or even jointly responsible.

THE PRESIDENT: If interruption becomes persistent, I must tell the hon. Member for the Coast that it represents a very grave breach of the rules.

MR. RANKINE: He has suggested that there is such chaos and inefficiency in the Secretariat that he could not agree to additional staff. Well, I have already admitted that the organization can be improved, but I should like to make this clear that, even with an improved organization, I consider that increased staff is still very urgently required. I think it is true to say that efficiency requires a fresh mind, and a fresh mind

in its turn requires some leisure. I do not think that many of the officers concerned get the time or the leisure to apply a fresh mind to many questions, and irrespective whether or not in his opinion they have to work overtime, I know they have to, and the same applies to the District Administration. He likes to maintain that they have not enough to do, or that they could very well take on additional jobs.

MR. COOKE: On a point of personal explanation, I never insinuated that.

THE PRESIDENT: You are simply making an interruption. The hon. member did not give way to you and you have no right to speak.

MR. COOKE: He ought to have.

MR. RANKINE: The hon. member claims personal knowledge, or apparently he obtains his information from disgruntled officials hanging about.

MR. COOKE: On a point of order; I must really protest. The hon. gentleman makes assumptions that he has no right whatever to make. If you, sir, will not allow me to interfere I shall have to do so in another place.

THE PRESIDENT: You interfere on every possible occasion when you think it right to do so.

MR. COOKE: I am not interfering.

THE PRESIDENT: The hon. member must yield to my ruling; otherwise I might just as well abandon the chair completely and leave the hon. member in charge of the assembly.

MR. COOKE: On a point of order.

THE PRESIDENT: What is the point of order?

MR. COOKE: The hon. member does not give way when one gets up.

THE PRESIDENT: What is the point of order?

MR. COOKE: The point of order is that I never made—the point of explanation rather—is that the Provincial Administration.

THE PRESIDENT: That is a point of explanation and not a point of order.

MR. COOKE: On a point of explanation, I never made any insinuation whatever.

MR. RANKINE: On a point of explanation there is no need to give way.

MR. COOKE: No need, but it is courteous to give way.

THE PRESIDENT: These interruptions, and I must say many of the interruptions of the hon. Member for the Coast, are unnecessary. In the course of debate one must be prepared to take as well as to give.

MR. COOKE: I take a good deal.

THE PRESIDENT: I must say you do not seem prepared to take anything, but get on your feet as soon as anybody gets under your skin. (Laughter.)

MR. COOKE: I object to such an imputation, coming from you. You are in the position of arbiter.

THE PRESIDENT: I am in a position to judge, and I say you must sit down and allow the hon. member to continue his speech.

MR. RANKINE: The point I was trying to make when I was interrupted so often by the hon. Member for the Coast—it rather seemed to me, to borrow an expression from the hon. Member for Likamba, that he was endeavouring to say more and more about less and less—but what I was trying to say was that it would be much better if he said less and less about more and more. Many hon. members, I know, would be much happier perhaps if he said nothing at all! The point I was trying to make was that he claims great knowledge as to the duties, responsibilities and work of many departments, but, like Rip van Winkle, he seems to have been asleep for many years, because he is not aware

MR. COOKE: On a point of order, the hon. gentleman said he was not going to deliver a lecture, but he is delivering a lecture.

MR. RANKINE: I do not know what the point of order is.

THE PRESIDENT: It is a needless interruption, and I must say quite candidly now that if the hon. Member for the Coast keeps on being guilty of persistent breach of the rules—that is the rule that the member speaking should not be interrupted—then I shall have to

have recourse to Rule 49. I say that by way of warning.

MR. RANKINE: I am afraid I am taking up a lot of time. My point can be made quite briefly, and it is this, that during the last few years the work and responsibilities of many Government departments have increased immeasurably and that, whether there is reorganization or not, the staff in the Secretariat required to deal with the many complex problems must be increased.

The hon. Member for Nairobi South expressed the hope that I found my colleagues, the unofficial members of the Select Committee, much more reasonable than I had expected. I am glad to confirm that I did. I will go further, and say that I found the task of presiding over that committee much more congenial and much easier than I had anticipated. (Applause.) It would be idle to pretend that we did not have our differences. Of course we did, but they arose from a sincere desire to secure what members considered to be necessary in the general interests of this colony, and they were resolved by a constructive desire to reach agreement. I am glad to pay a tribute to the work of all the members of that committee.

My hon. friend the Financial Secretary referred to the work done by the secretary. I should like to pay one further tribute, and that is to the leader of the European Elected Members. (Applause.) I think we all know the amount of work and trouble he took in examining the figures we had before us, and in elucidating them, and there is no doubt that that work contributed very materially to the agreement reached. Having regard to the care with which all the items were examined, I think it is fair to say that the measure of agreement reached was remarkable. (Hear, hear.)

I beg to support.

MR. TROUGHTON: Mr. President, there are not many points to which I need reply, but there are some, and first of all I must say a word on the general question of budgeting referred to by the hon. Member for the Coast.

If heads of departments—and I think all heads of departments here would agree with what I am about to say—

[Mr. Troughton] were given their heads, and we put into the estimates whatever they considered was necessary for the running of their departments, and if we took the total and then looked at the revenue and endeavoured either to balance the budget or to put the budget to Council in the state in which it would then be, the chaos and inefficiency which would result would be in no way comparable with the confusion and inefficiency which exists in Government, but perhaps might be likened more, if the hon. member will pardon my saying so, to the confusion which exists in his own mind on this particular subject. (Laughter.)

However, that is quite impossible, but I should also make this clear, that although these estimates have been referred to a committee consisting of the whole of the unofficial side of Council, together with a leavening of ourselves on this side, the responsibility of the Government in the final form of those estimates remains unimpaired. It is a responsibility shared, it is true, in that we endeavoured to reach complete agreement and to meet everyone's point of view, but nevertheless the act of this Council finally approving the estimates is this motion, moved by the Government, and if the Government was not disposed to accept any recommendation of the Select Committee, it could move the adoption of the report subject to amendment. So that the responsibility for the Government remains unimpaired by this new procedure.

There is one point which I have been asked to mention on the general aspect of the estimates. It is this. There are in the estimates a great number of cross-entries of various kinds. Consequently the uninstructed are apt to talk of Government expenditure being bigger than it really is if those cross-entries and so on are eliminated. I gave an undertaking during the committee's deliberations that next year we would endeavour to show in the budget as close a picture as we can of what the net revenue from taxation is and what the net expenditure is in juxtaposition.

Education. The hon. member Mr. Mathu referred to the delay over the production of a plan for African education. I am responsible myself for about six or seven weeks of that delay, because

I sat on the latest plan. But the main responsibility for the delay rests firmly on the shoulders of the Advisory Council for African Education. The facts are these. The Development Committee produced a plan. That plan was referred to the Council. The Council, for reasons which I quite appreciate, I must say, did not like that plan; they thought it had grave defects. I attended a meeting of the Council personally, and said to them: "If you can produce a better plan within the limits of the funds available, we will be very happy to consider it". The Advisory Council appointed a sub-committee which went to quite a lot of trouble and produced an alternative plan, which was thrown out by the main Council. The result was that a deadlock had arisen. His Excellency the Governor intervened personally and directed that a further plan should be prepared on broad lines, and it is this fresh plan on the lines suggested by His Excellency the Governor that has not yet been approved, but it is being dealt with as rapidly as we can in the midst of all the avocations of this particular season of the year.

But of the main responsibility—I have got some, other members have got some—but the main responsibility is not on the Director, who has been as quick as possible about it, but it must lodge surely and firmly on the shoulders of the members of the Advisory Council. When the present plan is approved in principle, it is the intention of Government to refer it to the Glancy Committee, and quite obviously the Glancy Committee will have to be expanded for the purpose. The suggestion that the committee should go into the country and take evidence is one which I will bring to the notice of the chairman.

Police terms of service. The position is this, and I am glad to have the opportunity of making it clear. Government has accepted the principal of separate terms of service for the Police Force. (Hear, hear.) When the report of the committee was received, it was examined by the hon. Attorney General as the Member for Law and Order and myself, and was ultimately considered by Standing Finance Committee and Executive Council, and as a result certain immediate changes in the terms of service were introduced as interim measures pending the deliberations dealing with

[Mr. Troughton]

salaries and terms of service. As soon as that committee's report has been dealt with and salaries and terms of service placed on a long-term basis, we propose to issue a pamphlet or brochure or whatever you call it which will be called "Police Terms of Service", and it will be issued to every member of the Force and laid on the table of this Council.

It is surprising that there should be so few viewpoints to deal with, in answer to this debate, but I think it shows the thoroughness with which the committee tackled its task. I will mention one before I sit down. The hon. Member for the Coast—I am sorry to have a crack at him but if he will take it—when he referred to what I called "a bit of a wangle" in respect of the basic road grants to district councils, pointed out that this was a very serious thing for Government to do, and implied that it might be a very bad example of conduct to put before junior officers. I must say that I feel that that is a criticism made without a due sense of responsibility.

The general question has been dealt with adequately by the hon. Member for Mombasa. But this is not a wangle in the sense that there is any suspicion about it. It is a proposal that was discussed in full by a very large committee. Three members of the committee took exception to it, somewhere about 20 members blessed it. The thing was discussed in the committee, it has been fully ventilated in Council, everyone knows what we are doing, and why, and to suggest there is anything underhand—not that the hon. member did suggest there was anything underhand, but he did suggest people might learn evil things from it—I can assure the hon. member, as he well knows, that there is nothing underhand about it in that sense, and those of us responsible for it take full responsibility for it and are in no way ashamed of it. (Hear, hear)

That is all I have to say. It is a very happy relief from all our afflictions when the budget session of the Legislative Council comes to an end, and the only objection I have to it is that they come so frequently! If we could have a budget session every two years instead of one, it would be a great help to the financial officers! (Laughter.)

The question was put and carried.

RELEASE OF REQUISITIONED LAND

MR. NICOL: Mr. President, I beg to move: This Council requests Government to draw the attention of the military and other services to the fact that, by remaining in occupation of lands of private individuals against the wish of those individuals, they are not only causing hardship to owners of such properties but are also holding up development; and, further, this Council requests a redress of those conditions and asks that the Secretary of State be informed of the dissatisfaction of the public.

I shall be very brief in introducing this motion. I brought it because there is no doubt that hardship has been inflicted on certain members of the public in Mombasa by the retention by the military of land which could, in my submission anyway, be better employed at the moment, and there is very considerable dissatisfaction as to the situation in Mombasa. We heard this morning and have heard it many times, there is a housing shortage. I know one particular case where a certain individual who owns land obtained a building permit to put up two houses. This was about six months ago. He has been fighting hard to get his land back from the military, and I understand it is not occupied. I have here a letter from a lady with a freehold plot in the Port Tudor area of Mombasa, and she is very anxious to put up a house on that plot. She is a war widow, and has at the moment to pay a high rent for a flat in Nairobi, and she cannot get her land returned to her. On top of that—it is a 1½ acre plot, freehold—she is being paid by the military the magnificent sum of Sh. 24/84 per month. I think that is absolutely scandalous. There have also been petitions from residents of the Port Tudor district—they put in a petition some time ago and a copy was given to me, but I have mislaid it and cannot remember the date. Anyway, they put in another petition dated 7th January, to the Provincial Commissioner, Mombasa, and referred to the first petition, but although it was given publicity in the press we have not had an acknowledgment. I think that is pretty disgraceful.

Further, there is land at Nyali, in the centre of the Nyali Estate, where a detention camp has been in existence for some time. I think it will be agreed that the

[Mr. Nicol]

presence of a detention camp in a residential area is not likely to encourage people to purchase land and put up buildings. In fact, it would have the reverse effect and deteriorate the values of the land. There is also the land in the Port Reitz area, and the Air Ministry are hanging on to that land which has been taken over by D.A.D. Hirings. The land belongs to the estates of two deceased persons, and both the Registrar General here and the lawyers looking after those estates are having their work severely handicapped in not being able to dispose of the land. In fact, one of the beneficiaries under the will, a widow, now residing in Canada, is desperately in need of money, and nothing can be done about it.

I am very sorry to learn this morning that the hon. Liwali for the Coast, who is not in his seat, has gone down with fever, because I know that he wanted to say something on the motion on behalf of the Arabs. I propose to take on myself to briefly touch on what he was going to say so that we can get a reply from Government. I understand that his complaint is this, that Government are proposing to acquire land, which is in Arab ownership, for military purposes. I have only had a very hurried conversation with him, and I understand that this land is in the Chamgamwe area. The Arab community as a whole is taking a dim view of it, and I cannot blame them, because when you look at that area there is an enormous amount of Africa around Mombasa not being used at the moment which I submit could be used by the military, and it is not necessary to concentrate on the port town. But I am particularly worried about the land on the Island itself, particularly the Port Tudor area. There is a considerable amount of dissatisfaction in that area, and apprehension too, lest there be very serious road accidents caused. As you know, military vehicles to-day are enormous things, the roads are very narrow, there is not much regard for the speed limit by drivers of those vehicles, and the risk to children and, indeed, the ordinary adult pedestrians, is very grave indeed. There is very genuine dissatisfaction in that area with the situation as it is to-day.

I understand that other hon. members have points to make in this regard, and I do not propose to take up any more time of the Council at this stage, but after

hearing the Government side of the question I may make some further observations in my reply. I would just like to emphasize that in view of the dissatisfaction which has been going on for a long time, I would not have brought my motion otherwise, that there is also a feeling of frustration at the occupation by the services of these lands, which is definitely causing hardship and is also holding up development, and we want the Secretary of State to be so informed.

DR. RANA: Mr. President, I rise to second the motion. The hon. member has explained the position both on the Island and outside regarding the Arabs, and he has given a few European cases. I know also some cases, particularly affecting the Indians round Chamgamwe. During the war, out of good will, they gave land free to the military to occupy. Although the war has been over for three years now, nothing has been done about handing the land back to these people. The result is that those people are not able to undertake any developments on their land, and I would request that Government should take this matter up. It is a very important matter.

I wholeheartedly support the motion. The military are a very strong body and we do not know what they will do. They must be fair to people who have invested money in property and when the time comes they should give them back their property. With those few words I second the motion.

Council adjourned at 12.52 p.m. and resumed at 2.35 p.m.

RULES OF DEBATE

MR. COOKE: With your permission, before the proceedings begin I should like a perfectly clear ruling about rising on a point of order and rising on a point of personal explanation. I am perfectly aware, having read May's and having studied quite closely the procedure of the House of Commons, exactly what the procedure is, but I have been in the last two or three days the subject, if I may say so with the fullest respect to you, Sir, of incorrect rulings.

I know perfectly well that in the House of Commons, if one rises on a point of personal explanation, the speaker man who has made the remark which brings you to your feet is not bound to resume his seat, but in all courtesy he is

[Mr. Cooke] bound to resume his seat, and in the House of Commons, if he does not resume his seat, the members of that House take due cognizance of that fact and show by their displeasure that the gentleman in question has not shown the courtesy he should. If everyone took up that line it would be impossible for any member to rise on a point of personal explanation. I personally—and I defy anyone to deny this—on no occasion in this Council in the ten years I have been here have failed to resume my seat when anybody rose on a point of personal explanation or on a point of order. That, I will submit to the judgment of this Council, is absolutely correct.

To-day, on several occasions when I wished to make important points, the gentlemen on the other side of Council, one or two of them, did not resume their seats, and therefore the proceedings of this Council could not be faithfully recorded, because the views of both sides could not be given. I rely on a greater authority than anybody in this Council when I quote Mr. Churchill, who said about two years ago that the value of a House of Commons, a small House of Commons, by that he meant small in size, was that it led to swift interjections and interruptions, and that is the whole spirit of the British House of Commons. You rise to explain a point of view, you may or may not be heated at the moment, but afterwards it is all forgotten, because it is part of the spirit of the House.

I submit that unless that spirit is brought into this Council we will be pursuing a very wrong course. So I am asking you Sir, now to lay down quite clearly, not only what the orders and rules of the Council say, but how those rules and in what spirit they should be interpreted. In case there should be any further need for me to interject to-day I should like to know precisely what the position is.

THE PRESIDENT: You speak, no doubt, with ten years of authority on this Council behind you, but to-day it did seem to me that your rising continually to alleged points of order and to alleged points of explanation was nothing more or less than pointless interruption, which is contrary to the standing rules of this Council that the member speaking should not be interrupted. The variations on the local rules are to some extent

made by reference to House of Commons procedure, but none the less we have the standing rules of this body which I think have to be complied with in the first instance. Now, those rules give me the power, which you think, I believe, that I ought to exercise more often, of interrupting persons and pointing out to them that they are out of order. I am sent to this chair, as you know—to use the words of His Excellency—as a trial run. In the next session, when possibly you will have standing rules and orders more in line with those of the House of Commons in England; but, while these rules are here before me, I think I have to interpret them in the way I have interpreted them, and I have no intention at this stage of giving any further ruling than I have given on this point. They do not arise with any other member except yourself and, if I may say so without any ill-feeling towards you personally, you do make a point of trying to make interjections and interruptions to anybody's speech on every possible occasion. I must say that that it is not, in my mind, in accordance either with the spirit of these rules or with the spirit of any legislature anywhere, so far as I am able to understand.

MR. COOKE: Then, on a point of order, may I just ask for your ruling that "in all cases, not herein provided, resort shall be had to the rules, forms, usages and practices of the Commons House of Parliament of Great Britain and Northern Ireland" does not apply to this particular session?

THE PRESIDENT: Your particular case is purely imaginary, because in the first place you have no standing in fact on which you can base your submission that I have misinterpreted any ruling whatsoever.

MR. COOKE: That is all I want to know.

RELEASE OF REQUISITIONED LAND

The debate was resumed.

SIR ALFRED VINCENT: Mr. President, I know it is late and I know that members are tired, but nevertheless I think it would be most unwise for me not to say what I wish to say, because this is an important matter and I do not think we should curtail debates merely because the time is late.

[Sir A. Vincent]

I think that the case which I wish to cite and on which I wish for an assurance from Government comes well within the terms of the motion moved by the hon. member for Mombasa, although I shall produce different reasons to those already enunciated by him.

I recognize, as we all recognize, that during the war in cases of urgency the military authorities decided where they were going to establish camps very quickly, and it is a matter that has been done in an urgent manner. I have on very many occasions made representations to the Government, to the highest officials of Government, on the question of the placing of military camps in and around Nairobi, and I declare my interest in this one, because my own property, unfortunately, adjoins the military camp at Karen. That camp is placed on the edge of the native reserve, and in a position where it adjoins a very widely spread area which is occupied by people who work in Nairobi, and it is quite wrong to have it there so far as the water supply is concerned, because over the last four years the water supply has proved entirely insufficient. I submit that, whatever the nature of the troops that occupy camps, there is always the danger of having a camp in such a position, and the Attorney General will no doubt remember, at my request, going with me to interview the Commander in Chief here about three years ago, in order to ask his protection for the residents whose properties adjoined that camp. There were very serious reasons for asking for that protection, and it is not my wish to enter into any lurid details.

On the question of water I would say this, that although I have not had an opportunity of checking it personally, I would inform this Council that even now, although the previous Commander in Chief was good enough to have that camp cut down to half the size, and to have a proper barbed wire fence erected round it—which incidentally becomes quite inoperative each night because holes are cut in it—filthy sullage water from that camp goes into a fresh water stream, which is used by the residents lower down. It may not be flowing at this instant, but as soon as we have a rain or as soon as the camp becomes

occupied to any degree, that again commences. The late member for Kiambu, Mrs. Olga Watkins, did bring other instances in much more detail in this Council as to the great difficulty residents experience under such circumstances.

Therefore I would ask Government to give me the following assurance, because I now understand that it has been decided that this Karen Camp shall become a permanent camp. That is, that no camp shall be agreed to by Government as being permanent until that site has been referred to the Commissioner of Police and, of course, the Member for Law and Order, the Director of Medical Services, and the Chief Native Commissioner. On the grounds also of the holding up of development, I understand, according to a letter I have received from the owners, that they are distressed because they are informed that this camp is now regarded as a permanent military camp. I think it is now time that we got back our freedom from the circumstances which arose because of the war, which was supposed to have ended some two years ago.

I beg to support

MR. VASEY: Mr. President, in rising to support the motion I should like to add, to the list of assurances which have been asked for by my hon. friend the member for Nairobi South, and that is that the local government authorities shall also be consulted prior to any decision being made that any camp should be made permanent. I wish only to quote one case which has occurred in Nairobi, as an example of how shall we say, the spirit of negotiation has passed in some cases from these transactions.

I am quoting from papers which are available to members, should members wish to see them, and the history begins on the 2nd June, 1940 with a requisition order issued for the occupation of some 3.4 acres of land, which the owner of that time willingly complied with, recognizing the exigencies of the situation. The occupation continued throughout the war and the owner in question, then recognizing what he considered to be his duty as a patriotic citizen, took no steps until April, 1947. In April, 1947, he wrote asking for the return of the land. The letter he received

[Mr. Vasey] from the military said: "We note from your letter that you request us to return your land immediately as the War Emergency Regulations came to an end on the 24th February, 1947. This is in fact not true in this Colony. We agree that the War Emergency Regulations ceased as from the above-mentioned date in the United Kingdom, but in this Colony they exist until the 31st December, 1947. We cannot therefore accept any liability as regards the overholding of your property. You will no doubt"—and this is a somewhat amazing sentence—"you will no doubt hear from us in due course when we are ready to hand back your land."

The owner wrote asking for the authority and returning the cheques or rent for March and April, and asking again when it was possible to look forward to resumption of the occupation of his property. A letter dated the 3rd June from the military gave the details of the authority of the order, returned the cheques, pointing out that if he was dissatisfied with the rent paid he should address them through the proper channels and saving with regard to the date on which the War Department will vacate your property, we refer you to your letter of the 29th April."

Things went on until October, when the owner again returned the cheques—those cheques representing Sh. 120 per month for 3.4 acres of land in one of the most valuable residential areas of Nairobi. On the 10th October the military again wrote. "I regret I am unable to confirm that the War Department will vacate your property by the end of this year. With regard to the seven cheques, these I return to you and would refer you to Defence Regulation 39 under which we awarded you rental at the rate of 6s per month."

This is no very gentleman, no tough owner, this is a man who wishes to build on that land houses for occupation by members of his family who have now reached the stage where they are marrying and wish to occupy their own residence. I do suggest that the time has come when these transgressions must at the very worst, shall we put it like that, be entered into in a spirit of negotiation rather than a spirit of requisition. I feel

that no one wishes to make the Army feel it is in any way unwelcome, but I do agree with the last speaker, the hon. member for Nairobi South, that everyone wishes to feel that they have returned to days of freedom and to days of negotiation, rather than to days of arbitrary requisition, however prepared they were to accept that principle during wartime.

I beg to support.

MR. COOKE: Mr. President, I rise to support the motion. I merely want to deal with one aspect.

I do not think it is strictly relevant, but as you have already permitted the hon. Member for Mombasa to refer to it, I think perhaps I will be at liberty to refer to it myself. I am referring to this potential occupation of land on Changamwe Ridge. About a week ago a notice was published in *The Mombasa Times*, and possibly other papers, saying that Government intended to proceed under the Indian Land Acquisition Act to acquire this land, and so far as my information goes, there was no prior consultation with the Arab and other owners of this land. I regard that as a most arbitrary and un-British way of procedure. It is quite contrary to the way we acted before the war, and I understand that, not only will these Arabs be dispossessed of this land, but also it may interfere with a very important project at Changamwe of an industrial nature.

I ask that, before any further steps are taken to acquire this land, the matter should be gone fully into and Government should, if possible, try to discover some other property within the neighbourhood within a few miles, equally suitable for a military cantonment. It seems to me that it is so unnecessarily stupid to alienate one of the loyalest people you have in this country—that is the Arabs of the coast—by taking action of this nature, and I would appeal to the hon. Chief Secretary before it is too late to see that this matter is, if possible, considered.

I beg to support the motion.

MR. RANKINE: Mr. President, in the absence of my hon. friend the Deputy Chief Secretary, I am taking charge of this motion on this side of Council. I am afraid that when I undertook to do so, in order that Council might finish

[Mr. Rankine] its business this week, I was not aware then how many points and cases, particularly outside Mombasa, were going to be raised in the debate. I understood that it was to be confined mostly to Mombasa, and therefore I hope Council will excuse me if I cannot reply specifically to all the points raised.

The Government is naturally very concerned about this matter, and it does exceed that hardship has been created in certain cases. Naturally it will do its best to see that that hardship is prevented. But the main point so far as Mombasa is concerned is that the military have to go somewhere. They cannot be left entirely in the air. We have to find land for them. It is not easy, but I can give my hon. friend the Member for the Coast an assurance that we will look into this question of creating hardship so far as the Arabs are concerned. I cannot give him an assurance that the Government will necessarily reconsider the decision to acquire this land, because, as far as I know, the possible sites have been explored fully, and I do not know whether it is possible to find an alternative site. However, the least I can do is to give him the assurance that I will have the matter looked into. I feel sure that all hon. members will agree that one of the important considerations is not to make further delay in the matter.

The position is that about the middle of 1947, the military authorities decided to remove from the island all camps, together with African personnel in the Coast Defence Battery, and such depots, offices, installations, etc., as could conveniently be transferred. No move could be made, of course, until an alternative site could be found for these people to go to. Moreover, many of them are connected with the project at Mackinnon Road. The position there is that troops cannot be moved up before it is possible to provide camps for them there, and the governing factor is, of course, the water supply.

Searches were made, and this area at Changamwe was found, and it was decided to acquire 120 acres there in order to move the troops and installations off the island. The intention was to establish at Changamwe at the earliest date a tented camp and to move there the

military personnel at present accommodated at Bandera. It was hoped—and I again say this with caution—that it would be possible to do that within a maximum period of six months.

As regards the other assurance for which the hon. Member for Nairobi South asked, I think I can give that, that before any camps are made permanent reference will be made to the officers he has suggested.

Finally, I should like to say that Government is fully aware of the hardship and the urgency of this matter and it will pursue it to the utmost. If the hon. mover would accept a slight amendment to his motion, I think Government could accept it. The amendment which I suggest is that the last three lines from "this Council" be deleted and that we should substitute "This Council urges Government to do its utmost to prevent any hardship" if he would accept such an amendment Government would accept the motion.

That is all I have to say at the moment, except that the specific cases which members have mentioned I certainly will have investigated straight away.

In conclusion, I would merely emphasize this, I think, as the hon. Member for Health and Local Government said to me the other day, you cannot have an omelette without breaking eggs. In this case you cannot have the military in the country without somewhere for them to go, and the main difficulty as far as Mombasa is concerned is to find alternative sites. I have seen the brigadier in charge of administration this morning and have discussed it with him, and as soon as we can get satisfactory alternative sites the military will move out.

MR. NICOL: I do not know whether it is a point of order or explanation or a questionnaire, but I should like to ask a question.

THE PRESIDENT: The hon. member would like to move an amendment if he received an intimation from you that you would accept it.

MR. NICOL: May I ask if the hon. member would be prepared to insert "any inconvenience or hardship"? He has indicated that he is.

MR. FOSTER SUTTON: That being so, I beg to move: that the motion be

[Mr. Foster Sutton] amended by the deletion of all the words after the words "this Council" where they occur the second time and the substitution thereof of the words "this Council urges Government to do its utmost to prevent any inconvenience and/or hardship".

Mr. TROUGHTON seconded.

The question of the amendment was put and carried.

The debate on the motion as amended was resumed.

Mr. MORTIMER: Mr. President, there are just a few points that I would like to add to what the hon. Chief Secretary has said, as a few matters have been raised during the debate which were not within his immediate cognizance.

First of all, with regard to the proposed acquisition of land at Changamwe, I must stress that the greatest care has been taken by both military and civil authorities and the local government authorities at Mombasa to find a piece of land which would meet all the requirements of the Services and would cause the minimum of hardship. To get any piece of land anywhere in this country that would meet the full requirements of the military authorities must of necessity cause disturbance to someone, and in the acquisition of this Changamwe land it is believed that the minimum of hardship will be caused. It will no doubt involve the disturbance and dispossession of a certain number of people. It would have been impracticable to have approached those people and to have endeavoured to acquire their land by private agreement. The cost to the country and to the military authorities would, in that event, have been enormous, out of proportion to the real value of the land. The only course, believe me, was to apply the Indian Land Acquisition Act and trust to the machinery of the law to ensure that minimum of hardship is caused and that just and fair compensation is paid to the people who are dispossessed.

It must be apparent to hon. members that those two things must go together. You cannot get the military authorities out of the Island of Mombasa unless the land on the mainland can be acquired, and the earlier that land can be acquired the earlier will the hon. member's

motion be carried out and the military authorities will remove from the Island.

The Bandera camp site is composed of a large number of privately owned small plots. Owners are anxious to build on them, and we have the assurance of the military authorities that they will get out at the earliest possible moment. It is only a tented camp, but they cannot move until the water supply on the Mackinnon Road site can be completed, and that should not take more than six months, and will probably be less.

With reference to the Karen site mentioned by the hon. Member for Nairobi South, I will again as Member for Health take up the matter of the disposal of sullage water with the military authorities, and endeavour to obtain satisfactory results.

On the point raised by the hon. Member for Nairobi North about the continued occupation of land in Nairobi by the military authorities, and especially an area of 3.4 acres, at what is regarded as a very small rent, it transpired in the course of an interview with the brigadier in charge of administration this morning that a new authorization had come out from the War Department that all rents of private properties were to be revised and made more in agreement with present-day values. I trust the hon. members concerned will have no further cause for complaint when that is done, but quite obviously the military authorities could not place themselves entirely at the mercy of owners of property. If the military authorities are to be here, and obviously they must, they must have land to occupy, and this may mean on occasion that compulsory powers are used to ensure that the taxpayers of this country and Great Britain are not mulet in too heavy costs.

I will say in closing that I have had several interviews during the last few years with the military authorities on this subject, and have always found them most accommodating and helpful and willing to comply with all reasonable requests where it is possible in consonance with their own responsibilities for the dispositions of their staffs.

Mr. NICOL: Mr. President, first of all, I would say that I am very happy to accept that amendment which the hon. Attorney General moved on the sug-

[Mr. Nicol] gestion of the hon. Chief Secretary, because I think Government have demonstrated that the land owners so affected who come within the purview of this motion have undoubtedly got a grievance and a complaint. As I understand that these debates are sent promptly to the Secretary of State, the Secretary of State will no doubt have his attention drawn to this particular motion, and I should like that recorded.

There are various points on which I must touch, and I will deal with the speech of the hon. Member for Health and Local Government first.

He has paid a tribute to the military for their helpfulness and reasonableness, and I am perfectly convinced that in that particular regard he is perfectly correct, and I would add my tribute to the very senior top-notch officers. But it would be convenient, helpful, and reasonable if the junior officers who write letters and conduct interviews were imbued with the same spirit of courtesy which is apparent in the higher ranks of the Services.

With regard to rent revisions, I sincerely trust my hon. friend, and I presume it will be the Member for Health and Local Government who will conduct the negotiations; he nods dissent—well, whoever is conducting these revisions on behalf of the public will see that there is some revision with retro-active effect of any increases in rents because, as I indicated earlier this morning, a certain lady who has one and a half acres of freehold land in Mombasa is being paid the magnificent sum of I think Sh. 24/80; at any rate, it is a ridiculous amount, and it is only fair those people should be paid a fair market price.

In regard to the question of the camp at Changamwe, quite apart from the dissatisfaction felt by the Arab community—and I again express my regret that the Liwalli is not here—I should like it to be borne in mind by hon. members and the authorities concerned that the siting of this new camp which is to be acquired by acquisition is in very close proximity to the island and is liable to lead to considerable social dangers, to put it no higher. I think that that is a matter which can have the active concern of the local government in Mombasa. There is no doubt about it, the proximity

of a camp to a large town, and a seaport at that, does carry with it considerable dangers.

But, in regard to these Arabs who are going to be shifted, I would like to make a plea that not only should the compensation be adequate, but I should like to see that every endeavour is made to accommodate them besides any cash benefit they may receive. After all, I have known the coastal Arabs for a great number of years, and I have a very great affection for them—

THE PRESIDENT: You are rather going beyond the scope of your reply now.

Mr. NICOL: I am trying to develop my argument.

THE PRESIDENT: You are replying, and in replying you are not supposed to introduce new matter.

Mr. NICOL: Right, sir.

The question of the Mackinnon Road water supply has been raised as an argument for having a camp at Changamwe and not being able to get the military off the Island of Mombasa. One fully realizes that water is a necessity, but what I was trying to bring out was that perhaps water could have been diverted to another part of the coast away from close proximity to the island, and Changamwe, which would meet the requirements of the military authorities.

There is one thing I would like to say, which I meant to have said when I introduced the motion, but time was short and I wanted to get on. That is, I am very sorry the hon. Deputy Chief Secretary is not here to handle this motion, because I fully realize that his recent arrival must put the hon. Chief Secretary in a very difficult position, as these points of detail have no doubt not come within his purview. I was very anxious that the hon. Deputy Chief Secretary should not be asked to come back from his well-earned leave.

In view of the fact that Government have accepted the main object of this motion, and the amendment gives us an assurance that they will do all they possibly can to prevent any inconvenience and/or hardship to the people, I am not going to say anything more except to say I support the motion as amended.

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

STANDING RULES AND ORDERS
SUSPENDED

With the leave of the President, Mr. FOSTER SUTTON moved: That Standing Rules and Orders be suspended to enable the next motion standing in his name to be proceeded with.

MR. TROUGHTON seconded.

The question was put and carried.

Standing Rules and Orders were suspended.

LAND ACQUISITION BILL

MR. FOSTER SUTTON: Mr. President, I beg to move: be it resolved, that the committee of this Council appointed to consider the bill for the acquisition of land be reconstituted as follows—myself as chairman, the Financial Secretary, the Director of Agriculture, the Member for Health and Local Government, the Members for Nairobi North, Nyanza, Rift Valley, Western Area, and African Interests (Mr. Mathu)

As hon members will remember, a committee of this Council was appointed a considerable time ago. They may not be aware of it, but that committee has met I think on at least three occasions and taken evidence from the public. It is proposed to hold one further meeting of which ample notice will be given the public to make any final representations they may wish to make, and the committee will be placed in a position to report back to this Council. The reconstitution of the committee is necessary because several members originally included in it are not now on this Council.

MR. TROUGHTON seconded.

The question was put and carried.

STANDING RULES AND ORDERS
SUSPENDED

With the leave of the President, Mr. FOSTER SUTTON moved: That Standing Rules and Orders be suspended to enable the Certification of Lunatics (Forces of the Crown) Bill and the 1948 Appropriation Bill to be taken through all their stages at this sitting.

MR. TROUGHTON seconded.

The question was put and carried.

Standing Rules and Orders were suspended.

BILLS

FIRST READINGS

On the motion of MR. FOSTER SUTTON, seconded by MR. TROUGHTON, the Certification of Lunatics (Forces of the Crown) Bill and the 1948 Appropriation Bill were read a first time.

1948 APPROPRIATION BILL

SECOND READING

MR. TROUGHTON moved: That the 1948 Appropriation Bill be read a second time.

MR. FOSTER SUTTON seconded.

The question was put and carried.

HIDE AND SKIN TRADE
(CONTROL) BILL

SECOND READING

MR. FOSTER SUTTON: Mr. President, I beg to move: That the Hide and Skin Trade (Control) Bill be read a second time.

This type of legislation is in force in both Tanganyika and Uganda. The bill now before this Council differs in certain respects but substantially it is the same as the legislation in those two territories. Since the first reading of this bill it has turned out to be one of a very controversial nature. It was not in the first instance thought that it would be necessary to refer it to a Select Committee of this Council, but, in the light of representations made by various members on the other side of Council, my hon. friend has agreed to refer it to a Select Committee in order to enable the provisions to be fully considered and debated and representations made in respect of it.

The memorandum, for which I am responsible, fully sets out the objects of the measure and I do not think, in view of its being referred to a Select Committee, that any useful purpose would be served by worrying you and the remainder of this Council by going into the details now. That being so, I propose to take my seat and, if no member wishes to speak on it, I shall move the appointment of the Select Committee.

MR. MUNDY seconded.

The question was put and carried.

MR. FOSTER SUTTON moved that the bill be referred to a Select Committee consisting of Major Cavendish-Bentinck, chairman; Mr. Blunt, Mr. Hobson, Mr. Mbarak Ali Hinawy, Major Keyser, and Mr. Mathu.

MR. RANKINE seconded.

The question was put and carried.

KING'S AFRICAN RIFLES
(AMENDMENT) BILL

SECOND READING

MR. FOSTER SUTTON: Mr. President, I beg to move: That the King's African Rifles (Amendment) Bill be read a second time.

Clauses 2 and 4 of the bill seek to amend the King's African Rifles Ordinance, 1937, so as to enable men to be enlisted in the East African Construction Force and in any new units which it is intended to form. Those new units are being formed in connexion with the Mackinnon Road project. We have taken the opportunity of seeking to amend section 56 of the principal Ordinance so as to enable payments to be made from the military fines fund to the East African Army Benevolent Fund. I am sure that amendment will receive the full support of this Council. It is a very worthy one. At the present time the General Officer Commanding-in-Chief has no power to transfer money from the military fines fund to the East African Army Benevolent Fund. This bill will give him that power.

MR. RANKINE seconded.

The question was put and carried.

SEEDS BILL

SECOND READING

MR. BLUNT: Mr. President, I beg to move: That the Seeds Bill be read a second time.

I note that on the other side of Council most of the members interested in agricultural matters, and presumably in this bill, are absent, and therefore I will endeavour to take as little time as I can in dealing with it and will not go into any great detail. (SIR ALFRED VINCENT: We are also interested.)

I need hardly stress here the importance of a supply of good quality

seeds being available for farmers and gardeners in this country, and it has always been a matter of some amazement to me that, whereas many farmers will spend as much of more than they can possibly afford on the importation of expensive stock to improve their herds, they seem to pay very little attention to the need for securing good seed for their crops. It may be because it has been difficult in the past to obtain good clean seed, and I hope Council will agree with me that it is full time legislation of this type was introduced. Similar legislation does exist in all the more advanced countries, and this bill is based to a large extent on the legislation in force in the United Kingdom and in South Africa.

As I have said, this bill is overdue, and I say that for the reason that during the last few years, during the period of the war, there has been necessity for a large expansion of agriculture, and crops previously grown only in certain areas have been spread to other new areas in an endeavour to increase production. Unfortunately, owing to the fact that no such legislation as this was then in existence, a good deal of damage has been done by the introduction in seed to those new areas of certain serious noxious weeds which it is now extremely difficult to eradicate. I trust that as a result of this bill that difficulty will not occur any further.

There is another important reason for introducing a bill of this nature at this stage, and that is that it is hoped that we shall establish a not very large perhaps, but lucrative, trade in the export of seeds produced in this country, and if we are to do so it is of the utmost importance that the quality of the seeds which we shall export shall be the highest we can possibly manage to obtain. This bill is largely designed to look after that particular side of the trade and to give it a fair chance of becoming firmly established, and to be of value, not only to the country, but to a large number of small-holders or small farmers such as we shall have very soon.

The third reason why it is necessary to have a bill of this nature at present is to protect ourselves, because a number of countries who have not been in the seed trade previously have entered into it, just as we have, and I am afraid it is a fact that there are on offer, here and there,

[Mr. Blunt] up and down the world, seeds which are not of particularly good quality or particularly well cleaned, and we should protect our growers here against seed if it is not of good quality.

This bill was suggested some two years ago. A draft was then prepared and it was discussed and considered by the newly-formed Seed Growers' Association, and they have approved the terms of it and wish to commend it to this Council. This bill does not go so far, perhaps, as similar bills in other countries. It is partly voluntary and partly compulsory, and it lets people down fairly lightly and unfortunately, I consider, does not compel people to use good seed, but it does at least enable them to obtain it. The bill provides for three different types of seed. Firstly, seed which need not be any better than seeds now sold, but must be clean and must be free from noxious weeds and rubbish. Secondly, it provides for Government-tested seeds, which are seeds of reasonable quality and which which have had their germination capacity tested. Thirdly, it provides for Government-certified seeds, which are good quality seeds which have had their germination tested and are guaranteed. After inspection, as being true to the variety.

If I may, I will turn to the bill itself, and at the outset I would refer members to a roneoed sheet which was laid on the table some few days ago, specifying certain amendments which it is proposed to move in the committee stage of this bill. It is unfortunate that there are several small amendments which we wish to put in, but I will endeavour to make those clear and their purpose clear as I go through the bill.

I do not propose to go into detail of any of the definitions in clause 2. I think they speak for themselves.

From Part II, clause 3, it will be noted that the Director is required to establish and maintain seed testing stations in the colony; and any person who wishes to have seeds tested shall send them to that station. That involves expense, of course, and I believe that the matter was considered by the Select Committee and provision has been made in the estimates for entries on both sides. We shall charge fees for the use of these seed testing stations, and it is hoped that those fees

will cover the service to be provided by Government. It will be noted also that the Director is required to appoint officers in the service of Government to be official seed testers.

Part III, clause 5. It will be noted that no seeds shall be imported except through certain ports or places of entry—Mombasa, Kisumu and Nairobi—and that they shall be delivered to the Customs authority who shall deliver them to an official seed tester. That might at first sight appear to present some difficulties, but I do not think it should do so because that is, in fact, the regulation in existence now regarding seeds and plants under the Plant Protection Ordinance, and all plant material imported has to be imported through one of those ports of entry.

From clause 3 it will be noted that seeds which contain noxious weeds in excess of the amount allowed may be destroyed, together with their containers. This provision is already in existence under the Diseases of Plants Protection Ordinance where diseased plants can be destroyed, and in fact occasionally they have to be, and, as in that case, no compensation is payable if they have to be destroyed. There is a proviso to that clause to the effect that the Director may exempt from the provisions of this clause certain seeds, subject to such conditions as are specified in the notice.

Clause 6 is an important one, and provides that no vegetable or agricultural seeds shall be exported until they have been tested, and it is proposed to amend that clause in the committee stage to read as follows:—"No vegetable or agricultural seeds shall . . ."

THE PRESIDENT: There is no need to go into the detail on the second reading. It is all given on the order paper.

MR. BLUNT: The reason for that amendment, which gives the Director permission to allow certain seeds to be exported, is that we do in fact exchange officially seeds with other countries, and it is important when doing so that they should get them quickly if other countries are prepared officially to receive them without having been tested.

The next clause is a very important one and provides for the prohibition of the sale, purchase and use of seeds con-

[Mr. Blunt] taining certain noxious weeds. By means of that section we hope that we shall prevent the further spread of such weeds as *datura* and *darnell*. There is a proviso which allows persons to purchase them for the purpose of cleaning, and the sub-clause of that clause is again subject to amendment. The amendment has been put on the paper referred to, and is to the effect that seeds shall not necessarily be destroyed by fire but may, where the Director so allows, be destroyed in some other manner. The reason for that is that in milling wheat, for instance, certain seeds come out mixed with broken grains and so on, which are valuable food for poultry. The germination capacity of noxious weeds is destroyed by the fact that they are broken up and ground, and it would be impossible to clean them out. There you have either got to destroy them with some valuable foodstuff, or you have got to make provision that they can be exempted from destruction by fire. There is, then, an exemption clause regarding seeds which are not for sowing.

Clause 8 provides for Government-tested seeds and states what measures have to be taken for testing for germination, purity, etc., what statements have to be provided after testing, and the way in which these seeds are to be put on the market for sale after testing.

Clause 9 provides for a third class of seed and a most important class of Government-certified seeds. It provides how samples of these seeds are to be taken, how they are to be tested, the form of certificate, and the various matters which have to be specified in connexion with Government-certified seeds. It goes on to state how they are to be labelled for sale. That, I suggest, is one of the most important clauses of the whole bill, and it is on the basis of that clause that we hope to be able to establish our export trade of seeds produced in the country. Clause 9 deals with ordinary seeds, but not with potato seeds. Different steps have to be taken in the case of seed potatoes as a protection against virus disease and other similar diseases which may be carried. Those crops from which the seed is taken have to be inspected while they are growing in the field. Otherwise the provision in clause 10 is the same as in clause 9.

Part IV, clause 11, deals with the issue of certificates and statements regarding certified seed, and states exactly what has to be specified in such certificates by the seed tester.

Part V refers to the registration of seed growers, and provides in clause 12 that when a person wishes to grow a crop for seed production he should register himself as a registered seed grower. The next sub-clause provides that the Director shall publish the name of registered seed growers and the crops they are growing. Clause 13 provides that registered seed growers shall have inspection of their growing crops made and shall carry out instructions with regard to selecting, roguing, or uprooting and destroying any such or any other crop. And it is under that clause that we hope to give growers a great deal of assistance in preparing samples of seed to determine their fitness for the export market.

Part VI deals with powers of inspectors, and clause 14 is a very important clause which at first sight might seem to be objectionable. That provides that neighbours of a registered seed grower can be required, if considered necessary by an inspector, to uproot plants growing on their farms before a date to be specified by the inspector, if there is danger that, by growing plants which they have on their farms, they may spoil the quality of the seed grown on their neighbour's farm. In other countries, in Great Britain notably, there is an arrangement entered into voluntarily by such growers, of whom there are numbers in particular areas, whereby such crops are segregated so that cross-pollination cannot occur. Here that cross-pollination cannot occur. Here we have not reached a stage when that can be done, but I submit that there is no real hardship in this because this clause applies very largely to vegetable seeds. The majority of vegetables are consumed before they are set seed, particularly the Brassica family, to which this section particularly applies, and it is only in cases where people have not harvested their crops at the time they should have harvested them that they are likely to have plants of this family setting seed which could be of harm to their neighbour. So that if in fact they have to uproot it is not going to worry them one little bit.

(Mr. Blunt)

The following clauses provide for inspectors to enter on land when necessary, whether it is land under a seed crop of a registered grower or a neighbour within any reasonable distance, and provision is made for inspectors to enter premises where seeds are offered for sale, to take samples. Provision is made as to how those samples shall be taken and dealt with, and provision is made for samples to be sealed and given to the seller for subsequent analysis, if necessary, if any dispute arises on the analysis of the sample. Provision is also made for reports.

Clause 17 requires the producer of seeds in certain cases to disclose the name of the person from whom he purchased seeds, so that they can be traced if they are unsatisfactory.

Clause 18 provides for the protection of inspectors when they are acting in good faith. Clause 19 deals with the question of conclusive evidence in connexion with reports by seed testers in case of legal proceedings, if necessary, and the averaging of results which it is necessary to make two tests. It is proposed to insert a new clause at the end of that clause as clause 21 to provide that the schedule may be altered from time to time as necessary. We put down certain figures there, and certain noxious weeds, and it may happen that we shall need to alter the numbers in the schedule and add to the schedule to include further noxious weeds, so that power is given to the member to add to the schedule. That involves bringing in a subsequent clause. Rule-making powers are given to the Member for Agriculture describing the methods of sample forms and fees to be paid, and prescribing the distance of land adjoining a registered seed grower into which an inspector may enter in the exercise of his powers of inspection, to see if there are plants growing there which might cross-pollinate.

No 8 deals with offences and penalties. I do not think I need go into that in detail.

I trust I have given such explanation on this bill as will enable members to support it. I beg to move.

MR. FOSTER SUTTON seconded.

The question was put and carried.

CERTIFICATION OF LUNATICS (FORCES OF THE CROWN BILL)

SECOND READING

DR. MACLENNAN: Mr. President, I beg to move that the Certification of Lunatics (Forces of the Crown) Bill be read a second time.

This bill seeks to amend the principal Ordinance and to amend it in one particular only: in effect, to enable its provisions to be retained for a certain further limited period of time, that is until the 31st December, 1948. Hon. members will recall the principal ordinance No. 9 of 1946, which was amended subsequently to enable the provisions of that Ordinance to be carried on to the end of 1947. The legislation in this Ordinance is exactly the same as in the Principal Ordinance, the only amendment being that the Bill is extended to the 31st December, 1948.

I should like to say that comprehensive mental legislation of the Colony is in the course of preparation, and the hon. Attorney General informs me that it will come before this Council during the course of this year. That legislation will include the provisions of this bill, and when that legislation becomes law this bill will be repealed.

MR. FOSTER SUTTON: Mr. President, in seconding this I should like to say, with reference to the legislation referred to by my hon. friend the Director of Medical Services, that we had hoped to introduce it earlier, in which event one of the prime movers—I refer to the hon. late member for Kiambu—would have been here to take part in our discussions. I greatly regret that, owing to pressure of work, we were not able to introduce it while she was still a member of this Council, but I did give her family an undertaking to see that the legislation was pursued as rapidly as possible, and I propose to keep to my promise.

BILLS

IN COMMITTEE

MR. FOSTER SUTTON moved: That Council resolved itself into committee of the whole Council to consider, clause by clause, the following bills: The Certification of Lunatics (Forces of the Crown) Bill, the 1948 Appropriation Bill, the Seeds Bill, the King's African Rifles

(Amendment) Bill, the European Officers Pensions (Amendment) Bill, and the Rebate and Refund of Customs and Excise Duties Bill.

MR. RANKINE seconded.

The question was put and carried.

Council went into committee.

Seeds Bill

MR. FOSTER SUTTON moved: That clause 1 be transferred as clause 1 under the heading "Part I—Interpretation" and that the heading "Part I—Interpretation" be deleted and the heading "Part I Preliminary" be substituted therefor.

The question was put and carried.

MR. FOSTER SUTTON moved: That clause 1 be amended by substituting "1948" for "1947".

The question of the amendment was put and carried.

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

MR. FOSTER SUTTON moved: That clause 6 be deleted and the following substituted therefor: "6. No vegetable or agricultural seeds shall, unless they have been tested under the provisions of section 8 of this Ordinance, be exported without the permission in writing of the Director."

The question was put and carried.

MR. FOSTER SUTTON moved: That clause 7 be amended (a) by substituting the word "provided" for the word "prescribed" in the first line of sub-clause (1), and (b) by deleting sub-clause (2) and substituting therefor "(2) Any person cleaning seeds shall destroy by fire, or by such other method as the Director may, by notice in the Gazette, approve, any noxious weed seeds removed during the process of cleaning" and (c) by inserting a comma between the word "may" and the word "under" in the sixth line of sub-clause (3) (a).

The question of the amendment was put and carried.

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

MR. FOSTER SUTTON moved: That clause 12 be amended by deleting the word "Official" in line 2 of sub-clause (2).

The question of the amendment was put and carried.

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

MR. FOSTER SUTTON moved: That the following new clause be inserted at the end of Part VI as clause 21 and that the present clauses 21 and 22 of the Bill be renumbered as 22 and 23: "21. The Member for Agriculture may, by notice in the Gazette, delete from, vary, or add to, the Schedule hereto".

The question was put and carried.

MR. FOSTER SUTTON moved: That clause 23 be amended by substituting the words "conviction therefor" for the word "conviction" in the 27th line.

The question was put and carried.

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

The King's African Rifles (Amendment) Bill

MR. FOSTER SUTTON moved: That clause 1 be amended by substituting "1948" for "1947".

The question of the amendment was put and carried.

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

The European Officers Pensions (Amendment) Bill

MR. FOSTER SUTTON moved: That clause 1 be amended by substituting "1948" for "1947".

The question of the amendment was put and carried.

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

The Rebate and Refund of Customs and Excise Duties Bill

MR. FOSTER SUTTON moved: That clause 1 be amended by the substitution of "1948" for "1947".

The question of the amendment was put and carried.

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

MR. FOSTER SUTTON moved: That the following bills be reported to Council without amendment: the Certification of Lunatics (Forces of the Crown) and 1948 Appropriation Bill, and the following bills with amendment: the Seeds Bill, the King's African Rifles (Amendment) Bill, the European Officers Pensions (Amendment) Bill, and the Rebate and Refund of Customs and Excise Duties Bill.

Council resumed, and the President reported accordingly.

THIRD READINGS

MR. FOSTER SUTTON moved: That the following bills be read the third time and passed the Certification of Lunatics (Forces of the Crown) Bill, the 1948 Appropriation Bill, the Seeds Bill, the King's African Rifles (Amendment) Bill, the European Officers Pensions (Amendment) Bill, the Rebate and Refund of Customs and Excise Duties Bill, and the Immigration (Control) Bill.

MR. RANKINE seconded

The question was put and carried, and the bills read accordingly.

ADJOURNMENT

Council rose at 4.15 p.m. and adjourned sine die.

WRITTEN ANSWERS TO QUESTIONS

NO. 56 EAST AFRICAN AIRWAYS CORPORATION

MAJOR JOYCE

Referring to the East African Territories (Air Transport) Order in Council, 1945, sections 15 (14) and 16 (12), will Government state:

- (a) On what date the financial year of the East African Airways Corporation ends?
- (b) Whether any statement of accounts and annual report of the E.A.A.C. has been rendered to the Authority and when will they be laid before Legislative Council?

- (c) If the answer to (b) is in the negative, when will the statement and reports be so laid?

Reply

(a) 31st December.

(b) The answer to the first part of this question is in the affirmative. The report and statement of accounts will be laid after they have been considered by the Authority at the next meeting.

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

NO. 106—RATIONED CEREAL EXPORTS

MR. PRITAM:

Will Government please state:

- (a) the quantity of rationed cereals exported during 1947;
- (b) the destinations to which exported, and
- (c) the price at which sale was effected?

Reply

It is presumed that by rationed cereals the hon. member is referring to wheat and maize. The Kenya Government as such did not export any quantities of these cereals during 1947, as all wheat and maize is handled on behalf of the East African Governments by the East African Cereals Pool.

The following quantities of wheat and maize were offered by the Pool to the Ministry of Food during 1947, and were exported to destinations indicated by the Ministry. The exports represent deliveries from Kenya, Uganda and Tanganyika and it is impossible to say what proportion represent Kenya products.

	Bags
Wheat to India	165,164
Maize to Egypt	256,818
Maize to India	198,000
Maize to replace loan from South Africa	68,000

The prices obtained for maize vary from £17 to £20 per ton, f.o.b. Wheat was exported to India and by special arrangement the price obtained was approximately £17 per ton, f.o.b. Kilindini.

NO. 107—EAST AFRICAN AIRWAYS CORPORATION

MAJOR JOYCE:

In view of the fact that Kenya makes considerable contributions, by way of subsidies, to the East African

Airways Corporation and seeing that the annual report and accounts of that Corporation for 1946 were not laid on the table of this Council until November, 1947, and that the report and those accounts disclosed a considerable loss for 1946, will Government obtain a brief interim report on the E.A.A.C. for the first nine months of 1947 for the information of this Council?

Further, will Government undertake to keep this Council informed periodically of progress and developments in the E.A.A.C. by means of brief quarterly reports?

Reply

A statement of the accounts of the East African Airways Corporation for the period January 1st to September 30th, 1947, will be laid on the table at the next meeting of Council, and an advance copy is attached for the information of the hon. member.

Government is advised that it would be misleading to the public to submit similar statements quarterly as the expenditure is not spread evenly throughout the year, but every effort will be made to present the annual Statement of the Accounts of the Corporation to this Council as soon as possible after completion and audit.

NO. 108—EMPLOYMENT OF EX-ENEMY ALIENS

SIR ALFRED VINCENT:

Will Government please state their policy in regard to the retention of

ex-enemy aliens in employment in Government and Quasi-Government organizations in the event of suitable British ex-Service men becoming available for the posts at present held by such ex-enemy aliens?

Reply

The policy of Government in regard to the employment of aliens is not to appoint them even to temporary posts if British subjects with appropriate qualifications are available. In a few cases, it has been found necessary to employ ex-enemy aliens in temporary posts or on contract because it was not possible to secure suitably qualified British subjects.

2. The hon. member may rest assured that the services of these aliens will be retained only so long as the public interest demands it.

NO. 109—DOLLAR EXPORTS

SIR ALFRED VINCENT:

Will Government please state:—

- (a) What portion of the following exports have been sold for dollars respectively during the years 1945, 1946, and up to 30th June, 1947: sisal, coffee, pyrethrum, kyanite, tea?
- (b) What dollar imports have come into the country for the same period?

Reply

(a) The following table shows the values of exports from Kenya and Uganda to the U.S.A. and Canada, compared with total exports, of the items noted in the question:—

	KENYA AND UGANDA					
	1945		1946		1947 Jan. to June	
	Exports Canada and U.S.A.	Total Exports	Exports Canada and U.S.A.	Total Exports	Exports Canada and U.S.A.	Total Exports
Sisal and Sisal Products	£219,030	£796,592	£219,457	£898,266	£67,950	£497,239
Coffee	Nil	Nil	Nil	Nil	Nil	Nil
Pyrethrum	£659,420	£802,523	£1,050,935	£1,157,228	£230,020	£253,011
Tea	Nil	Nil	Nil	Nil	£74,467	£486,933
Other ore (Kyanite)	£1,505*	£1,705*	£3,406*	£7,459*	£10,317	£16,316

*Kyanite appears under the heading "other ore" in the Trade Reports for these years, and separate figures in respect of Kyanite are not now available. It is, however, thought to have formed the greater part of the item "other ore".

(b) The total values of imports from the U.S.A. and Canada into Kenya and Uganda over the same period were:—

1945 .. £2,336,066

1946 .. £3,156,881

January to June, 1947 .. £1,713,231

NO 110—MASAI WHEAT SCHEME

SIR ALFRED VINCENT:

Will Government please state the final cost of the wheat scheme at Athi River, including any loss on machinery or on the resale of any equipment, and how the machinery has been disposed of?

Reply

1 The final cost of the Masai Wheat Scheme, in accordance with the accounts audited by Messrs Gill & Johnson and circulated to the members of the Board of Agriculture, was to the nearest pound £18,973. The final loss on the scheme, after deducting the residual value of machinery and equipment, was £16,637. The price realized for the machinery was £2,464 against an original cost of £7,312, a loss of £4,848, while the price realized for equipment, including buildings, was £12 against an original cost of £2,948, a loss of £2,546.

2 Buildings and fixtures, machinery, equipment and furniture, etc., were sold in accordance with the normal procedure of Government under the provisions of Financial Order No. 261 (1), on the recommendations of, and after valuation by, a Board of Survey. The bulk of these assets were sold to Government departments as follows:—

Machinery to the Machinery Pool and the Department of Agriculture;

Workshops to the Public Works Department;

Buildings and fixtures to the Masai Grazing Control

3. This answers the actual question of the hon. Member for Nairobi South, but the following further information may be of interest. Government undertook this scheme in 1942 as an experiment, and after the most careful inquiry with which were associated a large number of practical farmers in the Ukambani and after receiving a favourable report on the land selected from the Government Soil Chemist, in the hope that this area would provide a large acreage on which wheat could be grown at a different season from that of other districts, thus allowing economical use of harvesting machinery, to say nothing of adding appreciably to the Colony's wheat supplies.

4. The total amount of wheat harvested in the five years during which the scheme was in operation, was 14,565 bags of 200 lb. The harvests for the years 1943, 1945 and 1946 were good, but those for 1944 and 1947 were lamentably poor. In 1944 the crop was largely destroyed by army worm, was replanted and no rain fell; what was left of the crop was attacked by locusts shortly before harvesting. And in 1947 the rains failed. Had the two bad seasons been avoided, there is no doubt that the scheme would have made a profit.

5. Finally, it should not be overlooked that the plight of the British Empire was well nigh desperate when this scheme was undertaken, and the plight of this Colony little better, since it was, at that time, supporting nearly three times its normal European population. The scheme yielded almost four million pounds of wheat, the equivalent of three million pounds of white bread, enough to feed the present European population of Kenya for 365 days on the present standard ration of white bread, at a cost to the colony of only 19 cents per lb. In all the circumstances this was not a heavy cost.

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OFFICIAL REPORT

SECOND SERIES

VOLUME XXVIII

Fourth Session: 20th October, 1947, to 16th January, 1948

EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time=1R, 2R, 3R;
I.C. = In Committee; SC = Referred to Select Committee; SCR = Select Committee Report; Re.Cl. = Re-committed to Council

Administration of Oath—1, 681

Attorney General—

See Sutton, Mr. S. W. P. Foster

Bills—

Appropriation, 1R, 678; 2R, 678, I.C. 679; 3R, 680

Appropriation, 1R, 956; 2R, 956, I.C. 964; 3R, 967

Certification of Lunatics (Forces of the Crown), 1R, 956; 2R, 964, I.C. 964; 3R, 967

Customs Tariff (Amendment), 1R, 29; 2R, 210, I.C., 321; 3R, 322

Customs Tariff (Amendment No. 2), 1R, 679; 2R, 679, I.C., 679; 3R, 680

*Domestic Employment (Certificate of Registration), SCR, 638; 672; 3R, 680

*Employment of Servants (Amendment), SCR, 638, 657; 3R, 680

European Officers' Pensions (Amendment), 1R, 729; 2R, 767; I.C., 964; 3R, 967

Hide and Skin Trade (Control), 1R, 729; 2R, 956; SC, 957

*Immigration (Control), 2R, 234, 276; SC, 318; SCR, 844, 853; 3R, 967

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*Liquor (Amendment), SCR, 319; 3R, 322

*Native Liquor (Amendment), SCR, 319; 3R, 322

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*Registration of Persons, SCR, 638; 660; 3R, 680

* See Volume XXVII for 1st and 2nd readings.

† See Volume XXV, Parts I and II, for 1st reading

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