

# KENYA NATIONAL ARCHIVES

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COLONY AND PROTECTORATE OF KENYA

# LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

VOLUME XXXV

1949-50

FOURTH SESSION

2nd November, 1949 to 27th January, 1950

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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.

## *Vice-President and Speaker*

HON. W. K. THORN

## *Ex-Officio Members*

CHIEF SECRETARY AND MEMBER FOR DEVELOPMENT (HON. J. D. BARKER, C.M.G.)

ATTORNEY GENERAL AND MEMBER FOR LAW AND ORDER (HON. K. K. O'CONNOR, M.C.)

FINANCIAL SECRETARY AND MEMBER FOR FINANCE (HON. A. G. MATTHEWS, O.B.E.)

CHIEF NATIVE COMMISSIONER AND MEMBER FOR AFRICAN AFFAIRS (HON. F. R. SE. A. DAVIES, M.B.E.) (11)

MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (MAJOR THE HON. F. W. CAVENDISH-BESINGCK, C.M.G.)

DEPUTY CHIEF SECRETARY AND MEMBER FOR EDUCATION (HON. C. H. THORNTON, J2)

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (HON. C. E. MORTIMER, C.B.E.) (1)

## *Nominated Official Members*

HON. A. HODG KINGS (Member for Commerce and Industry)

DR. (MR) HON. J. I. ANDERSON, O.B.E. (Acting Director of Medical Services) (4)

HON. R. PATRICK, E.D. (Director of Education)

HON. F. M. HYDE-CLARKE, M.B.E. (Labour Commissioner)

HON. J. B. HANSON (Solicitor General) (5)

HON. S. GILFILL (Director of Agriculture)

BRIG. GEN. THE HON. SIR G. D. RHODES, C.B., C.B.E., D.S.O. (Special Commissioner and Chief Engineer, Public Works Department)

HON. W. PADLY, O.B.E. (Acting Deputy Financial Secretary) (6)

HON. C. M. DENTRELL, O.B.E. (Secretary, Development and Reconstruction Authority) (7)

## *European Elected Members*

HON. M. BLENDLE, Rift Valley

HON. S. V. COOKE, Coast

HON. D. Q. ERSKINE, Nairobi South

HON. W. B. HAWLOCK, Kiambu

HON. J. G. H. HOPKINS, O.B.E., Aberdare

MAJOR THE HON. A. G. KEYSER, D.S.O., Trans Nzara

HON. E. R. MACOSCHIE-WELWOOD, Uasin Gishu

HON. LADY SHAW, Uamba (8)

HON. E. A. VASEY, C.M.G., Nairobi North

HON. C. G. USILE, M.C. (Mombasa)

HON. T. R. L. PRISTON, Nyanza

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

*Asian Elected Members:*

HON. C. B. MADAN (Central Area).  
 HON. I. E. NATHOO (Central Area).  
 HON. A. B. PATEL, C.M.G. (Eastern Area).  
 DR. THE HON. M. A. RANA, M.B.E. (Eastern Area).  
 HON. A. PRITAM (Western Area).

*Arab Elected Member:*

HON. SHARIF MOHAMMED ABUJULLA SHAIKH

*Nominated Unofficial Members:*

*Representing the Interests of the African Community:*

HON. J. J. K. ARAP CHEMALLAN.  
 HON. J. JEREMIAH.  
 HON. E. W. MATHU.  
 HON. B. A. OHONGA, (19)

*Representing the Interests of the Arab Community*

HON. SHEIKH SAID SALIF BIN SALEM

*Acting Clerk to Council*

A. M. WILKIE, Esq.

*Reporters:*

A. H. EDWARDS, Esq.  
 Miss Bennett  
 Miss Seely

*Summoned under Article XIAA of the Royal Instructions:*

V. H. MERTENS, Esq., Commissioner of Income Tax, 11th January, 1950.

- (1) *Vice* MR. C. M. DYERHAT, Acting Chief Native Commissioner.
- (2) *Vice* MR. C. H. HARTWILL, Acting, on return from leave.
- (3) Created Knight Bachelor in New Year's Honours List, 1950.
- (4) *Vice* DR. N. M. MACLUSKAN, retired; subsequently promoted Director of Medical Services.
- (5) HON. P. E. H. PIKE, Acting Solicitor-General, from 17th January.
- (6) Appointed Assistant Financial Secretary from 1st January.
- (7) Subsequently appointed Administrative Secretary.
- (8) On leave, MR. G. B. MOUSLEY, nominated Acting Member.
- (9) MR. P. ISGUDIA, Acting Member during absence on leave.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

1949—

2nd November—

Hon. Solicitor General.  
 Hon. Member for Eastern Area (Mr. Patel).  
 Hon. Member for Central Area (Mr. Madan).  
 Hon. Member for Western Area.

3rd November—

Hon. Solicitor General.  
 Hon. Member for Central Area (Mr. Madan).  
 Hon. Member for African Interests (Mr. Chemallan).

29th November—

Hon. Member for Central Area (Mr. Madan).  
 Hon. Member for Eastern Area (Dr. Rana).

30th November—

Hon. Member for Central Area (Mr. Madan).  
 Hon. Member for Eastern Area (Dr. Rana).

1st December—

Hon. Solicitor General.  
 Hon. Member for Trans Nzoia.  
 Hon. Member for Eastern Area (Dr. Rana).

2nd December—

Hon. Solicitor General.  
 Hon. Member for Central Area (Mr. Madan).  
 Hon. Member for Eastern Area (Dr. Rana).  
 Hon. Member for Arab Area.

6th December—

Hon. Director of Agriculture.  
 Hon. Member for Central Area (Mr. Madan).  
 Hon. Member for Arab Area.

7th December—

Hon. Member for Arab Area.

8th December—

Hon. Deputy Chief Secretary.  
 Hon. Director of Agriculture.  
 Hon. Administrative Secretary.  
 Hon. Member for Central Area (Mr. Madan).  
 Hon. Member for Arab Area.

9th December—

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

13th December—

Hon. Member for Eastern Area (Mr. Patel).

14th December—

Hon. Special Commissioner for Works.  
 Hon. Member for Eastern Area (Mr. Patel).

15th December—

Hon. Special Commissioner for Works.

16th December—

Hon. Member for Arab Area.

20th December—

Hon. Member for Eastern Area (Mr. Patel).  
 Hon. Member for Arab Area.

21st December—

Hon. Member for Arab Area.

22nd December—

Hon. Member for Arab Area.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS—Contd.  
1950—

- 10th January—  
Hon. Member for Agriculture and Natural Resources.  
Hon. Member for Rift Valley.  
Hon. Member for Central Area (Mr. Nathoo).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 11th January—  
Hon. Attorney General.  
Hon. Member for Central Area (Mr. Nathoo).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 12th January—  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 13th January—  
Hon. Member for Central Area (Mr. Nathoo).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 17th January—  
Hon. Financial Secretary.  
Hon. Member for Mombasa.  
Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Central Area (Mr. Madani).  
Hon. Member for Arab Area.
- 18th January—  
Hon. Financial Secretary.  
Hon. Member for Mombasa.  
Hon. Member for Central Area (Mr. Madani).  
Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 19th January—  
Hon. Financial Secretary.  
Hon. Member for Arab Area.
- 20th January—  
Hon. Member for Mombasa.  
Hon. Member for Arab Area.  
Hon. Member for African Interests (Mr. Ohanga).
- 24th January—  
Hon. Member for Mombasa.  
Hon. Member for Central Area (Mr. Nathoo).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 25th January—  
Hon. Member for Mombasa.  
Hon. Member for Central Area (Mr. Nathoo).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 26th January—  
Hon. Member for Nairobi North.  
Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Central Area (Mr. Madani).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.
- 27th January—  
Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Central Area (Mr. Nathoo).  
Hon. Member for Arab Area.  
Hon. Member for Arab Interests.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FOURTH SESSION, 1949-50

Wednesday, 2nd November, 1949.

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 2nd November, 1949.

His Honour the Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

The Proclamation summoning the Council was read by the Acting Clerk.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to: Dr. T. F. Anderson, O.B.E., Acting Director of Medical Services.

The Speaker adjourned Council at 10.05 a.m. to await the arrival of the President, His Excellency the Governor, Sir Philip Euen Mitchell, G.C.M.G., M.C.

Council resumed at 10.25 a.m., when His Excellency arrived and took the Chair.

COMMUNICATION FROM THE CHAIR

His Excellency delivered the following communication from the Chair:—

Mr. Speaker and Honourable Members of the Legislative Council: You are assembled to-day for the Autumn Session of the Council. In accordance with custom your first task will be to consider the grant of supply to enable Government to be carried on during the forthcoming financial year. For this purpose the Member for Finance will present to-morrow his budget proposals for

1950. You will be asked to vote supply to cover the expenditure estimates. At the same time the ways and means for raising the revenue to meet this expenditure will be set before you.

The most important financial event of the year has been the decision of His Majesty's Government to alter the exchange value of sterling in terms of the dollar. Although it is too early to assess the full implications of this step certain results are already apparent. In the first place, the price of those exports which we sell to the western hemisphere has risen in terms of sterling, and this in itself should involve a stimulus to the industries engaged in providing those exports. The opportunity to increase exports provided by that stimulus must be exploited to the full. The mining industry, especially gold mining, will derive substantial help from the new exchange rates. On the other side of the picture we shall, of course, have to pay more in terms of sterling for imports which are affected by the new dollar/sterling rates, and have already seen a rise in the cost of petrol and oil.

The change in the exchange value of sterling was a concession to stark necessity, but it can bring advantages in its train. It is for us to do all in our power to ensure that the advantages outweigh the disadvantages. We can only ensure that if on the one hand the opportunity of increasing our exports is firmly grasped, and if on the other the greatest restraint is exercised by everyone in the matter of wages and prices; for I must repeat as emphatically as possible that it depends upon the success with which

[H.E. the Governor] wages and prices are held if the opportunity presented by the adjustment in the exchange value of sterling is to be utilized or lost for ever.

The question of capital expenditure on development and reconstruction has been engaging my close attention and that of my advisers. It is clear from a review of the original development plan and subsequent additions that the overall cost of what is now proposed will be greatly in excess of what was contemplated in 1946. The total bill is therefore under review, and there is also the equally important matter of the rate of spending. Quite apart from the inflationary effect which would develop were we to engage in an over rapid expenditure of money, especially if it is on projects not in themselves productive, there is a definite limit on the rate at which this Colony can provide the necessary finance. Moreover, the London money market is not, as appears at times to be thought, a sort of standpipe from which loan funds can be drawn at any time and in any quantity; it is at the present time a very closely controlled source of strictly limited finance. The Chief Secretary and the Member for Finance will be leaving for London in a few days for very important financial discussions, including joint discussions at which other East and Central African territories and the High Commission will be represented, to make sure that our demands in the London money market are closely co-ordinated in time, nature and quantity so that we may all be working to an agreed plan. But I must give a warning that the sums we may be able to raise by way of loans may be so limited as to involve substantial slowing down of projects for capital expenditure.

Up to now the main factor affecting the rate of development has been the general shortage after the war of staff, plant and materials. The emphasis has now changed, however, and from now on the governing factor is likely to be not the amount of work which can be done, but the funds which can be made available each year to finance it. Unfortunately, the very nature of our development plans is such that it is no easy matter to control the speed of their execution. Moreover, study of the

Development Committee's report will show that a large part of it is not really developmental. Much of it is rather necessary expansion—I must emphasize necessary—of existing schemes and services in order to meet the increasing demands of the present day. Much of it consists in the construction or reconstruction of essential assets, such as buildings, which ought to have been provided years ago.

The Planning Committee has begun the task of preparing the next phase of the development plan, a task which consists mainly of deciding between rival claims on strictly limited finance. I must emphasize that every project to which I shall refer in the course of this address must be understood to be subject to the reservation that the time when it can be undertaken must depend on the question of the permissible rate of spending to which I have referred before.

Great demands for works have been made on the building branch of the Public Works Department. In order to meet these demands an organization has been built up capable of carrying out approximately £3,000,000 worth of building a year, departmentally and by contract. That is an organization which must have a certain minimum of work annually if its overhead charges are not to become uneconomic.

The bulk of building on Kenya Government account is, as it was last year, to meet pressing educational needs. The programme to be placed before you includes no less than 18 new schools (half of them for Asians), besides extensive additions to existing schools. The problem of finance for education is indeed one of the greatest difficulty, to which I will refer later. The drive to ease the housing shortage will be continued by new housing schemes, involving many European, approximately 100 Asian, and 100 African quarters in Nairobi, as well as other smaller schemes in other centres. New police stations and new prisons are projected. Hospital building will consist mainly of the continuation of the group hospital schemes in Nairobi and Mombasa and the new African hospital at Voi, although improvements and additions are planned for existing hospitals.

Roads continue to cause my advisers great anxiety because of the steady and continued increase in the cost of con-

[H.E. the Governor] struction of bitumin roads. Unless some cheaper method of construction can be devised I can see no prospect of our being able to finance and carry out the programme hitherto envisaged. The Road Authority Committee has submitted its final report, which is now being examined. It is hardly necessary to say that whether a Road Authority is set up or not the problem of road construction costs remains. It is closely linked with the problem of road transport costs, particularly as the committee proposes to rely on transport licences and the petrol tax for the bulk of the revenue of the proposed authority. It is necessary to remember that the change in the exchange value of sterling has already affected adversely some of the factors in the cost of road transport, and that there are likely to be narrow limits to the additional revenue which can be obtained from licences and petrol tax. I must therefore advise honourable members to approach this problem of road construction and maintenance costs with great caution.

The departmental estimates will include substantial increases under the heads of Defence and Police, the first because it is expected that a settlement will be reached with the War Department in the near future as to the proper share of this expenditure to be met by the Colony, and the second because the conditions under which we live have necessitated very large increases in men and equipment. I am happy to be able to say that the Police Reserve has attracted excellent recruits in adequate numbers and that it has already developed an admirable *esprit de corps*. Its strength is to be raised from 1,600 to 3,500. The Police Force as a whole, regular and reserve, is one of which the Colony is, I know, justly proud. I take this opportunity of paying tribute to the great share of the credit for the state of the Force of its recently retired Commissioner, Mr. Ward. (Applause.)

The most important legislation to be laid before you at this session will include the Water Bill, revised in the light of criticism. There will also be—

A Bill to set up a statutory Meat Marketing Commission, on lines which have been fully explained in public. Existing factories and plants will be pro-

vided, including the important plant and organization of the Pig Industry Board.

A Bill to amend the Industrial Licensing Ordinance, which has been found by the East African Industrial Council to be defective in its present form for the purpose for which it was intended.

A Bill to repeal and re-enact the Native Tribunals Ordinance with important modifications and additions.

An African District Councils Bill, which has been in process of drafting and discussion for a long time and will effect substantial development and improvement in this group of local government authorities.

Although the stage of amending legislation has not yet been reached, there are prospects of an early extension and advance in local government in the rural areas of the Highlands through the assumption of increased responsibilities by district councils.

I take this opportunity of referring to the gracious decision of His Majesty the King to grant Letters Patent to Nairobi early next year, conferring upon it the status and dignity of a city. (Applause.) It is a matter for much gratification that Nairobi Municipality should have attained this high privilege on the occasion of the 50th anniversary of the commencement of local government in the town, and I am sure honourable members will wish to express their warm congratulations to His Worship the Mayor and the members of the Municipal Council. It is a matter of great satisfaction also to all of us, I am sure, that Their Royal Highnesses the Duke and Duchess of Gloucester are to visit the Colony in connexion with the grant of the status of a city to Nairobi and that His Royal Highness the Duke will personally present the Royal Charter to the Mayor and Council of the new city. (Applause.)

Honourable members are aware that efforts have been made for some time to establish a cultural centre in Nairobi at which musical and dramatic and other artistic performances could be given and which would incorporate, in association with a national theatre, the Nairobi visible war memorial. I am very happy to be able to announce that the centre has now been constituted with the

[H.E. the Governor]

title of the Kenya Institute and that His Majesty's Treasury have, with great generosity, made a special grant under the Colonial Development and Welfare Act of £50,000 towards the first buildings to be erected, which will include the smaller of two theatres. (Applause.)

In the field of agriculture and animal husbandry there is great and growing activity. The memorandum on the Agriculture Bill is being redrafted and will then be referred to a committee which will tour the country and hear evidence before a Bill is drafted.

Under the European tenant farming scheme the remaining 27 of the accepted tenants will be placed on the land next year.

The residential settlement section of the European Settlement Board will be closed at the end of 1949, but general assistance to intending residential settlers will still be given by the staff of the Board.

Except for two districts in Nyanza, which have ample settlement funds of their own with which they are carrying out very important work indeed, there is no native land unit in the Colony where land utilization schemes financed by the Development and Reconstruction Authority do not operate and in which they will continue to operate. So far funds have largely been devoted to arresting deterioration, but experience gained and confidence won now makes it possible (subject always to the reservation I have already made as to the rate at which funds can be provided) to contemplate more positive progress; for example, a five-year project of fly clearing and water development in the coast hinterland covering an area of 1,400 square miles centred on Mariakani. Extensions and new developments are planned for Makueni, for the Kerio Valley (where there are some 20,000 acres of fairly good agricultural land for African expansion and development, for the Masai District, which it is hoped to divide up into appropriate grazing areas supplied with well dispersed water points, for the Lambe Valley in South Nyanza, (settle-clearing problem; for the Northern Province in the form of grazing control measures complementary to the Dixey Scheme of water develop-

ment, and for many other areas. Altogether 40 separate schemes of African land development, reclamation or improvement are ready to be undertaken in 1950 to the extent that funds permit, as well as a great mass of detailed conservation work in areas already cultivated or grazed.

The Colony is in urgent need of additional investigational work in respect of all forms of agriculture and animal husbandry, but the position as regards recruitment of fully trained agricultural and specialist staff is still difficult and prevents any marked development. Much the same applies to the teaching staff at the Egerton School.

The African training centres in the Nyanza and Central Provinces are making good progress; it is hoped to open a new centre at Matiga in the Coast Province. It is my hope that before I vacate office finally it may have been possible to begin the development of one of these centres into an agricultural school comparable to the Egerton School.

The demand for the services of the Soil Conservation Section of the Department of Agriculture continues to exceed its resources. An interesting trend is the increasing demand for complete farm planning on soil conservation lines. Group farm planning on the contours is making gratifying progress in African areas.

Honourable members are aware of the trouble which occurred with some of the biological products of the Veterinary Research Laboratory at Kabete. The Kenya Veterinary Department has resumed sole control, which will continue until the new interterritorial institution is built and equipped at Mugga, when the matter will be reviewed anew. The main deficiencies of equipment, plant, etc., at Kabete have been remedied, and an application is being made for a grant under the Colonial Development and Welfare Act to cover the capital expenditure which is still required to put the research services on a proper footing.

The Forest Department's annual planting programme will be maintained in 1950 at about 8,500 acres of new planted land, of which 6,200 acres will be softwoods. An East African Timber Advisory Council has been established

[H.E. the Governor]

under the High Commission, through which it is hoped to obtain substantial commercial advantages, including timber export grading rules on an East African basis. Within the forest estate the Department proposes to undertake measures to carry out its obligations in respect of social and welfare services for forest workers.

It is the intention of Government to strengthen game control work with new control officers. A revised Game Ordinance will come before this Council during 1950.

The subject of sea fisheries has been under active review for some time. Proposals are at present before the East African Governments for the establishment, with capital from the Colonial Development and Welfare Research Funds, of a Sea Fisheries Research Centre at Zanzibar. It is proposed that this station will have attached to it a ship to conduct a fisheries survey of the East African coastline.

Work in all branches of water supply, including hydrographic survey, will continue as far as funds, staff and materials permit. Owing to the acute shortage of technical staff it is hoped to make increasing use of the services of consulting engineers, who will continue investigations of a major project for Mombasa water supply and also for dealing with the problem of the Uaso Nyiro. Pending the installation of major works at Mombasa, the present water supply is to be increased to 3,000,000 gallons a day capacity, and the distribution system will be extended to serve the new industrial and other areas.

It is hoped that the next few years will see further progress in the industrial development of the Colony, and the sound establishment of the numerous enterprises which are now in train. It is the Government's policy to encourage this development by the provision of sites on Crown land for approved enterprises on special terms and in other ways. A committee appointed by the Central Assembly is at present considering proposals for the payment of drawbacks of customs duty on raw materials imported for processing in local industries.

There is every indication that the supply of goods in most ranges from soft currency sources will continue to improve during 1950. It will, however, be necessary to restrict the expenditure of hard currency to the minimum. In so far as dollars are concerned there will be fewer available than has been the case in recent years, but while purchases of new articles must be severely curtailed every effort will be made to ensure that adequate stocks of spare parts are available to maintain existing machinery and vehicles in working order.

In the present time of acute currency difficulties the importance of the building up of our tourist trade cannot be overemphasized. I was, therefore, particularly pleased to welcome the Third International Congress of African Touring to Nairobi, which cannot fail to give this important traffic a new impetus, particularly as hotel accommodation of a high standard is now available to a greater extent than heretofore. I think it only fair to the hotel industry to add that most of the delegates to the Congress with whom I spoke—and they were many—commented in exceedingly favourable terms on the hotels in which they were accommodated.

I referred earlier to the problems of the capital cost of schools; recurrent charges for education are no less serious and difficult a problem. We have had the Glancy Committee's report on European and Asian expenditure and, very recently, an admirable report by a strong committee under Archdeacon Beecher's able chairmanship on African educational development in the next ten years. I have misunderstood the general attitude and spirit of all communities if it is not one of determination that the necessary finance must be found. But I cannot pretend that it will be easy to find, and it is certain that in one form or another, central, local or communal, more money will have to come out of the pockets of parents and taxpayers alike. I know of no country in the world—unless it be the United States—rich enough to give all its people the education services which they need and, generally, desire so earnestly; and we have therefore to condition our thinking on this subject by the general proposition that we are certainly not now in

[H.E. the Governor] a financial and economic position to do all that we ought to do and would wish to do. What matters to-day is that we should honestly and vigorously do all that it is in fact possible for us to do, and do it in a spirit of mutual good will and collaboration so as to spread our available resources as justly and fairly as we can. I think I ought to add that what it is imperative for us to do promptly is to set up the proposed technical institute in Nairobi and substantially to increase the opportunities for technical and secondary education and teacher-training for Africans, for the time has come when the African primary schools have entirely outgrown provision for further training. I am glad to say that the Kabete Trade School has got off to a very good start with 370 schoolboy pupils, the majority from Forms 1 and 2 secondary, who are setting about their manual trade training in a manner which their teachers consider highly satisfactory. I do hope that as many honourable members as possible will visit this important institution while they are in Nairobi.

Before I bring this address to a close I must return for a moment to matters of finance and economics. In so far as Kenya is concerned, or indeed East Africa as a whole, the situation seems to me to be such as to justify a continuation of that resolute confidence which I have always believed to be the right approach to our problems. Nevertheless, rising costs of materials, and indeed of almost all the factors in the price structure of works, be they buildings, roads, or other development works, together with the difficult financial conditions following on the alteration of exchange rates, have made it necessary for the Member for Finance to subject the whole programme of capital expenditure to a rigorous examination. I do not propose to anticipate to-day the conclusions which he has reached and which he will explain in detail to-morrow; but I think it right to conclude this address by repeating that, while I do not at present see any reason substantially to modify the general development policy which Government has undertaken, the rate of execution of all projects must undoubtedly henceforth be subject to the closest Treasury scrutiny so as to bring it within the limits of a prudent estima-

tion of the finance which can be provided, be it from loans, from revenue, from Colonial Development and Welfare grants or the remnants of special funds accumulated in the war years.

We are confronted to-day with a situation which will certainly become difficult and may have dangerous consequences, a situation which requires of us, above all things, a resolute and vigorous prosecution of all productive activities which we are able to carry on, all profitable development works for which we can find the finance and materials and all sound commerce, internal and external, which our circumstances permit.

With that I leave you to your deliberations, praying that with the guidance of Providence you may be able wisely to decide the many difficult and complex matters which will be submitted for your consideration, and confident of your faithful devotion to the public good and well-being of the Colony. (Applause.)

At 10.55 a.m. His Excellency retired and His Honour the Speaker resumed the Chair.

#### MINUTES

The minutes of the meeting of 27th October, 1949, were confirmed.

#### BILLS

##### FIRST READINGS

On the motion of the Attorney General (Mr. O'Connor), seconded by the Chief Secretary (Mr. Rankine), the African District Councils Bill and the Miraa Control (Amendment) Bill were read a first time, and notice given that the subsequent stages of the Bills would be taken during the session.

#### ADJOURNMENT

Council rose at 11 a.m. and adjourned till 9.30 a.m. on Thursday, 3rd November, 1949.

#### Thursday, 3rd November, 1949

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 3rd November, 1949.

His Honour the Speaker took the chair at 9.35 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 2nd November, 1949, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:

By THE FINANCIAL SECRETARY (Mr. Matthews):

Financial Statement and summaries of draft revenue and expenditure of the Colony and Protectorate of Kenya for 1950, draft estimates of revenue for 1950, draft estimates of expenditure for 1950, estimates of the Development and Reconstruction Authority for 1950, memorandum on the draft estimates.

By THE DEPUTY CHIEF SECRETARY (Mr. Thornley):

Registrar of Co-operative Societies report for 1947 and 1948, report of a committee appointed to inquire into the scope, content, and methods of African education, its administration and finance.

#### NOTICE OF MOTION

The following notice of motion was given by DR. RANA (Eastern Area): In view of the considerable disquiet among all the communities of Mombasa regarding the alleged inefficiency and stagnation in Mombasa municipal affairs, this Council resolves that Government be requested to appoint a commission of inquiry into the administration, finance, and constitution of the Mombasa Municipal Board and other matters appertaining thereto, and desires that a date be fixed when appointing the commission for the submission of its report.

#### MIRAA CONTROL (AMENDMENT) BILL

##### SECOND READING

MR. RANKINE: Mr. Speaker, I beg to move: That the Miraa Control (Amendment) Bill be read a second time.

Giving this Bill a second reading at this stage is really a formality. The principles of the Bill have already been debated but, as hon. members are aware, by prorogation all Bills and select committees die. The purpose of giving this Bill a second reading now, therefore, is to put it back where it was before prorogation, with a select committee, so that that committee can be reappointed and can continue its examination of the Bill.

MR. O'CONNOR seconded.

The question was put and carried.

MR. RANKINE moved: That the Bill be referred to a select committee consisting of the Chief Native Commissioner, the Director of Medical Services, the hon. Members Mr. Hopkins, Mr. Usher, Dr. Rana, and Mr. Mathu.

MR. O'CONNOR seconded.

The question was put and carried.

#### STANDING AND SELECT COMMITTEES

MR. RANKINE moved: That the following standing committees of the Council be appointed:—

*Standing Finance Committee.*—Chief Secretary (chairman), Financial Secretary (deputy chairman), Chief Native Commissioner, Deputy Chief Secretary, Messrs. E. A. Vasey, S. V. Cooke, M. Blundell, W. B. Havelock, I. E. Nathoo, E. W. Mathu.

*Public Accounts Committee.*—Mr. Vasey (chairman), Member for Health and Local Government, Solicitor General, Financial Secretary, Messrs. M. Blundell, D. Q. Erskine, A. Pritam, B. A. Ohanga.

*Sessional Committee.*—Chief Secretary (chairman), Attorney General, Financial Secretary, Major A. G. Keyser, Messrs. E. A. Vasey, A. B. Patel, E. W. Mathu.

MR. O'CONNOR seconded.

The question was put and carried.

MR. RANKINE moved: That the following select committees be appointed:—

*Standing Rules and Orders.*—Attorney General (chairman), Chief Secretary, Member for Agriculture and Natural Resources, Messrs. E. A. Vasey, S. V. Cooke, A. B. Patel, E. W. Mathu.

*Kenya Information Office.*—Mr. C. M. Deverell (chairman), Director of Agriculture, Lady Shaw, Messrs. E. A. Vasey,



W. B. Havelock, C. G. Usher, C. B. Madan, J. J. Chemallan.

*Legislative Council Accommodation.*—Chief Secretary, Special Commissioner for Works, Major A. G. Keyser, Lady Shaw, E. A. Vasey, A. B. Patel, J. E. Nathoo, E. W. Mathu.

Mr. O'CONNOR seconded.

The question was put and carried.

Mr. O'CONNOR moved: That the following standing committee of the Council be appointed:—

*Preservation of Law and Order.*—Attorney General (chairman), Major A. G. Keyser, Messrs. E. A. Vasey, L. R. Makochoi-Welwood, C. B. Madan, J. E. Nathoo, B. A. Ohanga, J. Jeremiah, Seif Bin Salim.

Mr. RANKIN seconded.

Mr. COOKE: Mr. Speaker, on a point of order, is it correct to nominate Mr. Ohanga as a member of the committee when he is absent from the country and when there is a member acting for him at the moment?

Mr. RANKIN: Sir, I submit that it is correct. I understand that it was the wish of Council to nominate members to these committees by name and not by constituency and that the acting member carries on during the absence of a member.

The SPEAKER: I cannot see that it is out of order although the member in question is absent from the country now. He may be back at any moment, and there is somebody representing him here who can presumably sit on this committee.

Mr. COOKE: Is it your ruling that although the acting member is not named for this committee he can act for Mr. Ohanga?

The SPEAKER: The hon. Member Mr. Ngulia is sitting here at the moment nominated in place of Mr. Ohanga, and during the latter's absence he will be entitled to sit on the committee.

The question was put and carried.

**DRAFT ESTIMATES OF EXPENDITURE, 1950**  
REFERENCE TO COMMITTEE OF SUPPLY  
On the next Order being called—

The SPEAKER: Before I call on the hon. Financial Secretary to move the motion standing in his name, I would like to say that by agreement among members and in view of the importance attached to the speech about to be made and the question of detail and exactitude involved, it has been agreed that, contrary to the rules, the hon. member shall be permitted to read his speech. I may say that statements of public importance are sometimes read by ministers in the House of Commons, and I do not think we shall be doing anything unusual in departing from the rules.

FINANCIAL SECRETARY (Mr. Matthews): I beg to move: That the Council do resolve itself into Committee of Supply to consider the Draft Estimates of Expenditure for 1950.

Hon. members are aware that, under the new procedure adopted for the first time last year, the moving of this motion is the opportunity for the Member for Finance to review the financial and economic position of the country in relation to the present and, as far as can be foreseen, in relation to the future. This speech and the debate which follows will therefore be confined to broad principles, although, of course, opportunity for discussion of detail will be fully afforded during the examination of the Estimates in the Committee of Supply.

In moving this motion last year my predecessor, the hon. Mr. J. F. G. Troughton, referred to difficulties which had been experienced in the framing of the 1949 Estimates. Those difficulties had been brought about mainly by the adoption of the recommendations of the Salaries Commission. This year's Estimates, too, have not been without their vicissitudes. The year 1949 has seen no less than four Financial Secretaries at the helm. Mr. Troughton's departure in January was followed by an acting period by Mr. Andrews. He, too, however, left the Colony and thereafter the fort was nobly held by my hon. friend and colleague, Mr. Deverell. (Applause.) When I first assumed charge on 7th August, the infant budget was already in being and clamouring for attention. It is natural that, having been within the seven seas, so to speak, when the infant was produced, I viewed it with the deepest interest. I at once remarked its prodigious

[Mr. Matthews] appetite—a symptom I examined with great anxiety. I was partially reassured to find that this insatiable hunger was not the result of some new and undiagnosed malady but was almost entirely an hereditary characteristic—(laughter)—deriving from the infant's immediate ancestors. (Laughter.) My next concern was to see whether this remarkable voracity was appropriate to the infant's station in life. I found, I am glad to say, that, although it was clearly going to be a near thing, it would be possible to provide for most of the infant's essential wants. Having, therefore, satisfied myself that the child was fundamentally sound and could be catered for, I set about grooming it for presentation to polite society. To-day, therefore, the Council has before it the results of these combined labours.

It will be observed that in the presentation of the budget this year there has been a departure from the usual practice of printing the Draft Estimates in one volume. In addition to the Memorandum, the 1950 Estimates have been printed in four volumes. These are:—

- (1) The Financial Statement and the Summaries of Revenue and Expenditure.
- (2) The Revenue Estimates.
- (3) The Expenditure Estimates.
- (4) The Development and Reconstruction Authority's Estimates of Revenue and Expenditure.

This departure has been made for the convenience of hon. members and I hope the Council will find the change to its liking.

Turning first to Volume 1, i.e., the Financial Statement and the Summaries of Revenue and Expenditure, hon. members will observe that the ordinary revenue is estimated at £10,500,360, and net revenue, i.e., the revenue less reimbursements and any offsetting revenue such as fees, etc., at £9,010,630. Both these figures show an increase over 1949, the first by £1,801,860 and the second by £1,560,580. On the other hand, the figures of ordinary expenditure and net expenditure exceed their 1949 counterparts by £1,688,557 and £1,447,277 respectively. On this estimation therefore it is clear that, while we are still in the fortunate position of having a buoyant revenue without any significant change

in the taxation structure, our recurrent expenditure is rising fast enough virtually to absorb the revenue increment. Indeed, but for the most careful control and, to my regret, the shelving of many desirable things, the rise in expenditure would rapidly outstrip any but the most spectacular rise in revenue.

The budget discloses a surplus—but only just, and the retention of the narrow margin between expenditure and revenue has been achieved only by the measures to which I have referred. Provided that the present revenue buoyancy is maintained and there are no further outstanding accretions to recurrent expenditure, there will be no immediate compulsion to cast around for means of augmenting the Exchequer. If these conditions are not maintained, however, it will obviously be necessary to think again.

It will be noted that the general revenue balance as at 31st December, 1948, is estimated at £3,495,349. The balance on 31st December, 1949, is estimated at £4,243,349. Hon. members will have noticed that I have used the expression "estimated" with reference to the balance at 31st December, 1948. I am afraid that even now it has not been possible to secure from the Accountant General a firm figure for the actual surplus for 1948. The Council is aware that the office of the Accountant General has been working under difficulties for some time. These difficulties have this year been aggravated by the inability to use the Hollerith accounting machines for anything like the full time necessary owing partly to lack of staff and partly to periodical power cuts. Because of these difficulties the Accountant General had not closed his books for 1948 when these figures were extracted. It is for this reason that no exact data could be secured for the Statement of Assets and Liabilities which usually appears as Appendix A of the Draft Estimates. The Council may, however, rest assured that the estimated balance as at 31st December, 1948, is very near the real figure and, of course, I shall lay on the table of the Council at the earliest possible moment, and probably during the committee stage, the Statement of Assets and Liabilities as at 31st December, 1948. This Statement will, in any case, be included in the approved Estimates.

On the Revenue Estimates themselves (Volume 2), I have not a great deal to

[Mr. Matthews] say. There will, of course, be an opportunity to debate taxation policy on the motion to go into Committee of Ways and Means. Meanwhile, I can say at once that this budget itself contains no proposals for changing the taxation structure one way or the other. This means among other things that, like my predecessor, I can announce that it is possible to continue the present income tax rates for yet another year. On the question of yield it will be seen that for 1950, Customs and Excise duties, our most important source of income, are expected to produce a quarter of a million pounds more than is disclosed by the revised estimate for 1949. This, in turn, was no less than £770,000 above the approved 1949 estimate. This, of course, is highly satisfactory, but these increments which have come with unflinching regularity in the last few years must not lead us into a fool's paradise. I do not advocate a pessimistic outlook. Far from it. But we must not let ourselves forget that the war years and those immediately following produced a great hunger in this country for consumer and capital goods. This hunger may still be some way from being satisfied but the edge must be off the appetite. While, therefore, in the normal course there may be no need to apprehend an actual fall in receipts, we cannot expect the curve to go up and up without flattening out at some time. Moreover, with so many of our eggs in the Customs basket we are, of course, unusually susceptible to any economic disturbance such as a trade recession. The question of whether we can continue with this disturbing and disproportionate reliance upon one source of revenue will, I suggest, have to engage our most serious consideration in the not distant future. (Hear, hear.)

With regard to the yield from income tax, I know that the question of collection is one that has given rise to a good deal of adverse comment. That the assessment and collection of this important revenue have hitherto been unsatisfactory no one can deny. Nor shall I attempt to do so. Hon. members will realize, of course, that the position embarrasses the Member for Finance at least as much as anyone else. It is clear that we are not getting the revenue in the year in which we ought to get it. There are some who think that a delay of this kind may be a good thing and that the gathering

momentum of collection will produce a valuable offsetting accretion in the years to come should Customs receipts show a tendency to decline. I do not subscribe to this view. (Hear, hear.) I believe that in the matter of tax collection a bird in the hand is worth any number in the bush. (Hear, hear.) It is obvious that we cannot forecast the future with any accuracy unless we have an exact assessment of the present. Nor can we lay our plans for the future unless we are sure where we stand financially to-day. I am assured, however, that every effort is being made to improve matters, and there is no doubt that increasing collections reflect to some extent the success of these efforts to overtake arrears. For instance, the estimated yield in 1950 is £350,000 more than the corresponding figures for last year. The position will, of course, be kept under anxious review, and whatever can be done to effect improvement will be done.

It will be observed also that a small increase is expected in the collection of poll tax. An important administrative measure taken this year is the establishment of a central poll tax registry in the Inland Revenue Department. The intention underlying the setting up of this Registry is to secure a closer and more efficient collection than has been possible hitherto. I hope that this measure will produce for 1951 a significant increase over the present level of collection.

And now I turn to that more congenial subject, expenditure. (Volume 3). It is customary, I believe, in some quarters to regard pressure on the Treasury to sanction expenditure as the irresistible force coming up against the immovable object. But this contradiction in terms is no more applicable in this case than in any other. Certainly the Treasury is far from being immovable. Nor should it be. Such an attitude would be a complete negation of progress. It is impossible to develop, to go forward, without spending. It is the function of the Treasury to see that such spending is wise and judicious in relation to our resources. On the other hand, of course, the financial officers certainly experience the irresistible force. Council will remember that in the opening passages of this speech I referred to my perturbation at the prodigious appetite displayed by the infant budget. It is possible that the significance of my metaphorical remark may have escaped

[Mr. Matthews] full notice, and I therefore take this opportunity of enlarging upon the theme. It will be recalled that on my diagnosis the appetite was derived from hereditary characteristics. In other words, our overall rate of expenditure is conditioned not so much by what we are saying to-day as by what we said yesterday. It is conditioned, in fact, by policy previously laid down and approved. In this connexion, I invite the attention of hon. members to the remarks made by Sir Wilfrid Woods in his Fiscal Survey of Kenya, Uganda and Tanganyika. This acute observer pointed out that the individual output of work by Government staffs, their rates of pay and allowances, their office systems and general technique, the utility of work done in recording and tabulating facts, methods and costs of maintenance and construction are all highly important matters which must have an influence on the amount of taxation required. That influence, however, is quite unlikely to be in any way comparable with the effect of policy. An assumption that the financial implications of a far-reaching scheme, for instance, can be avoided or transformed by even the most economical administrative methods betrays an absence of a sense of proportion.

On this theme let us take the case of the Police Vote. It has been the policy ever since this Colony was established to ensure that law and order is wholly maintained. Accept this principle and the rest follows. It is obvious that, having decided upon maintaining law and order, then with the ever increasing complexity of our social structure, an ever-growing population and the constantly changing circumstances of world political movements, expenditure on that object must inevitably grow. For instance, in 1939 the expenditure under the Police Vote was £158,000. In 1949 it was estimated to be £719,000. This Council is now being asked to approve an expenditure of £787,000 for 1950. Of course, that expenditure can be avoided or at least reduced by departing from the policy. I would naturally have much preferred to ask Council to vote this extra money for something more congenial, and particularly for something directly productive. But in this matter we are far from being able to follow our own preferences. The level of expenditure is indeed dictated to us by forces largely

beyond our control. We cannot, of course, depart from the policy, and I am sure that I voice the opinion of this Council when I say that law and order must at all costs be preserved. (Hear, hear.) All development, all progress, is of no avail if the safety of life and property cannot be assured. It is on this consideration then that the Council will be asked to vote the moneys appearing under this estimate.

Hon. members will also notice a sharp step-up in that related item, Defence Contribution. Here again, if we lived in the millenium, there would be no need for this expenditure at all. But we do not live in the millenium, and we have to create and nourish armies to protect ourselves against forces which might otherwise encompass our destruction. So troops have to be stationed in Kenya. Of course, Imperial troops are not stationed in Kenya wholly on our account. There is the question of overall Commonwealth defence. Nevertheless, the presence of these troops contributes very markedly to the solution of our own problem of internal security. But for the presence of the armed forces there is no doubt that our expenditure on police and on the arming of police would be substantially higher than it is. It is only right, therefore, that we should make a contribution in respect of that element of the military force which is related to our internal security. We are, of course, already making such a contribution. But hitherto the amount has been calculated on wholly unrealistic lines. During and since the war we have been paying our pre-war contribution plus 25 per cent. No one with the slightest knowledge of the rise in the cost of maintaining the armed forces could regard that basis as fair and just at the present time. It is not surprising, therefore, that His Majesty's Government is asking for a revision based on actualities. With this request this Government feels bound in principle to agree. The amount of the contribution is still a matter for negotiation, and I have no doubt there will be some difference of opinion as to what are the actualities. Nevertheless, I think it will be found that the figure in these Estimates is of the right order.

To turn now to a more domestic theme. The increase in the estimates of the Public Works Department will not, I imagine, have wholly escaped notice. This increase is perhaps a classic example of

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how policy determines expenditure. Hon. members will recall the general clamour for practical results which led to the appointment of a Commission of Inquiry. The acceptance of the main recommendations of this Commission has in turn led to a reorganization of the Department. Neither the achievement of speedy results nor the building up of a department capable of producing these results can be secured without spending. Here as elsewhere it is this kind of sequence which is reflected in these Estimates. There might be a pruning here or a cutting there, but if the policy demanded in regard to the functioning of the Public Works Department is to be carried out, expenditure approximating to the level set out in these Estimates is inevitable.

And so the tale goes on. But I will not weary the Council with further recitations of this kind. I have said enough, I think, to demonstrate that we cannot go forward, or indeed we cannot even stay where we are, without spending more money and still more money. And as for staying only just where we are, I cannot imagine one single person in the whole country advocating such a course. Everybody's mind is on progress. Committee after committee is being appointed to find how this or that may be improved or made to work. Report after report is coming to hand, recommending this and recommending that. All these recommendations seem somehow to involve money. Our education bill, for instance, is already very high and yet here, demanding attention, is that outstanding contribution to constructive administration the Beecher Report. Something will have to be done about this—but how, without further expenditure? Again, there is the report of the Road Authority. I do not propose now to comment on the principle of a road fund, but clearly the creation of such a fund will not of itself produce more money. In order to finance it, we may have to rob Peter to pay Paul. And Peter might object. Any substantial contribution from revenue can only be found at the expense of other things for which there is also a clamour. Of course, we can have them all, but we must understand that if we do so we must pay for them. With the State, as with the individual, there is never any question of something for nothing.

The fourth and final volume of the

Estimates is the budget of the Development and Reconstruction Authority. These Estimates will, of course, be introduced to the Committee of Supply by my hon. friend the Member for Development, and he, no doubt, will have something to say about them. If I may, however, I should like at this stage to make some general remarks on the development programme in relation to the Colony's resources.

Council will appreciate that the financing of the Development and Reconstruction Authority naturally attracted my early and anxious scrutiny. On examination of the matter two things became immediately apparent. In the first place, it was clear that it would not be possible to find finance for anything like the full number of projects being pressed upon the Government. In the second place, it was equally clear that the present rate of expenditure could not be sustained. On the first point, i.e. the total overall cost, it will be remembered that the original plan envisaged a programme of spending spread over ten years and costing about £19-million. Deducting the inter-territorial and central allocations of the Colonial Development and Welfare Vote and the loans for self-reimbursing expenditure, we are left with the net Colony figure of £15½-million. Since 1946, however, when this programme was drawn up, it has become increasingly clear that the original plan did not go far enough. Apart from the fact that rising costs have made the first estimates hopelessly out of date, new and bigger schemes have thrust themselves irresistibly into notice to supplant or supplement original schemes. As matters now stand, the cost of such a programme, a programme, that is, embracing all the projects now up for consideration, would be not £15½-million but something like £40-million. I have no hesitation in saying that with or without loans the Colony's resources could not face a commitment of this magnitude. It has been necessary for me, therefore, to consider how far we can in fact go by the end of 1955 in financing development and reconstruction in this country. My conclusion is that if we are not to find ourselves financially overburdened the very maximum cost which can be contemplated over the ten years of the plan is £28-million. If we are to finance a

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plan of this magnitude, where is all the money to come from?

It will be remembered that the original £15½-million was to be provided partly by loan, partly by contributions from revenue and the Colonial Development and Welfare Vote, and partly by the utilization of various funds and investments accumulated during and since the war. The total loan element envisaged in this £15½-million was £5-million. With a revised programme, based on this £28-million to which I have referred, this borrowing figure will, of course, have to be much increased, and taking into account all our existing and foreseeable resources, and keeping in mind the need to retain an adequate reserve, I estimate that our borrowing would have to be of the order of £18-million. This revised programme would include among other things provision for the first part of the Mombasa water supply scheme estimated to cost £4-million. The new borrowing, together with the debt outstanding at the beginning of 1950, would bring the total public debt by the end of 1955 to a figure approximating to £21-million. Even if we were to regard the Mombasa water supply scheme as self-reimbursing, the loan charges on the net public debt by the end of 1955 would be not less than £650,000. Nor is this all. Development schemes not only involve capital expenditure, they also give rise to recurrent costs. The present estimate of the recurrent cost of a programme based upon these figures, which cost must of course fall on the Colony budget, is £2-million per annum. The total recurrent cost, including debt charges arising out of a programme of this magnitude will therefore be something like £2,650,000 per annum, and this figure allows for a sinking fund contribution of only 1 per cent—the statutory minimum. On this basis, posterity will certainly have to pay its appropriate share of the cost of these developments—which, I suggest, is only right, as posterity will just as certainly benefit from them. I am aware, of course, that some of the projects when completed will be indirect revenue producers and some even direct, but the estimate of this offset is extremely difficult to make at this stage and I think we should be unwise, in deciding just how far we can go, to make too much of this aspect.

Furthermore, we must not overlook the fact that the Colony's ordinary recurrent expenditure is rising. At the present average rate of increase I estimate that at the very minimum there will be, on this account alone, a further recurrent bill of £2-million by the end of 1955. In other words, even with a programme of capital development conforming to the financial limitations I have elaborated, the overall recurrent commitment falling upon the Colony's budget by the end of 1955, when such a programme is completed, is likely to be something over £4½-million per annum. It is obvious that unless revenue expands proportionately it will be impossible to meet this recurrent bill with the present fiscal structure, that is to say, with the present level of taxation. We shall, therefore, have to keep a very wary eye upon the circumstances which affect our revenue. We must, of course, keep a no less wary eye upon the circumstances which may affect our capacity to raise loans. The arising of any adverse factors on either count will make it essential for us urgently to review our position. As a corollary to this analysis, it is obvious that any final programme of development decided upon must be absolutely flexible so that, if financial considerations demand it at any time, readjustment can be effected quickly and without undue stress and strain. That adjustment might involve the abandonment of certain projected schemes or it might involve a concentration on those projects calculated to produce a direct and favourable effect upon the revenue. It might, indeed, involve a combination of both these measures.

As to the rate of spending, I have said earlier that we cannot sustain the present pace. By this I mean that the Development and Reconstruction Authority at present is consuming finance at a faster rate than it can be provided. This may surprise some hon. members whose minds hark back to the comparatively slow rate of progress in the earlier years. The major problems contributing to that slow progress, that is to say those involved in manpower and equipment shortages, have been largely overcome. The governing consideration now is not the speed at which the Development and Reconstruction Authority can work but the speed at which the money can be provided for it to do the work. I know

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that the question of loans will immediately spring to the minds of hon. members, but as His Excellency the Governor said yesterday the London market, or indeed any money market, is not a stand-pipe from which finance can be drawn at will. Hon. members do not need me to remind them that the times are very fluid. Many factors, both economic and political, which have developed in the last 12 months are likely to make the world money markets less accessible and more stringent. Our problem therefore is not only one of timing to secure the best possible terms but of securing the money at all.

All this leads to the conclusion, therefore, that the rate at which any plan can unfold and be translated into action is conditioned now not so much by the capacity of the Development and Reconstruction Authority organization to carry out the work but by the rate at which we can supply the finance. I know that this process of cutting our coat according to our cloth will be very disappointing to some people. I advise all those who are inclined to be impatient that this or that is not being done, or not being done fast enough, to ponder well these hard and inescapable facts.

And now, something on the general economic picture. We are still seeing an upsurge in commercial and industrial development. Nevertheless, our trade returns continue to disclose a substantial adverse balance of visible trade. This phenomenon has indeed characterized this country since records were kept. There are some people who regard this adverse margin with profound perturbation. While not in any way desiring to minimize the economic disadvantage of this position in general, I think we should be wise to remember that there are factors other than visible imports and visible exports which must be taken into account in assessing the net position. I have referred to the continued industrial and commercial expansion. At least part of this involves the importation of fresh capital—a factor which finds no place in our trade returns. Moreover, there are residents of these territories, and they number quite a few, who have claims upon overseas assets. Here again, remittances on this account are clearly in visible exports. It must also be remembered that the favourable geographical

position of this country *vis-à-vis* other African territories is tending to make it more and more the commercial centre of East Africa. In this capacity it renders to other territories important services—for example as an entrepôt. Many of these services find no place in the visible balance calculations, but they *must* contribute to the right side of the ultimate balance.

During the last few months the position has been complicated by the adjustment of the value of sterling in relation to the dollar. What the ultimate effect of this adjustment will be it is, of course, too early to say. It is quite obvious, however, that imports from certain countries will be more costly. On the other hand this does not necessarily mean that any adverse balance as between Kenya and the countries in question will be aggravated. The fall in the price of our exports in terms of those currencies may involve a step-up in the total export volume and the movement may well be in the opposite direction. This, of course, is what we hope. In any case, the favourable effect of the exchange adjustment on certain of our industries has been immediate and marked. All those commodities which are selling for dollars, for instance, have experienced a substantial increase in sterling prices. In some cases this has radically altered the outlook of the industry. It is common knowledge, for instance, that our goldmining industry was beginning to languish. To nourish and encourage the industry, measures of Governmental assistance had been worked out and would have been placed before this Council for approval. The adjustment of the exchange rate altered the position overnight and gives a far greater measure of assistance to the industry than had been contemplated by the Government. Again, the pyrethrum industry in its efforts to establish itself firmly in favourable markets had been requesting the Government to guarantee bank finance so that the rate of interest payable would be reduced. Here again, the need for this assistance has disappeared.

It is clearly for industries favourably affected in this way to make the most of their opportunity. It is not only a question of increasing exports but of firmly establishing themselves in these desirable markets against all competition, actual or potential. The margin of

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manoeuvre in this behalf has clearly been much increased by the adjustment in currency values.

Reverting to the other side of the picture we are, of course, faced with the increased costs of certain commodities important in our economic life—heavy agricultural machinery and petroleum products of all kinds are obvious examples. If, however, the effect which the currency adjustment was designed to achieve is in fact to be achieved, it is essential that these increased costs must by greater effort be absorbed to the maximum possible extent. Demands for higher prices in primary and other products lead to parallel demands for increased wages. And, clearly, any general upward change in the wage structure, apart from the danger of starting a fast-moving inflation spiral, could more than neutralize the advantage of price that currency adjustment has meant to our exports to overseas markets. The Government itself has been faced with a problem of this very nature. Hon. members will note the increase proposed under Part C, Item 14, "Reduction in the cost of foodstuffs". In response to representations made following the initial fixing of the maize price for the 1949 crop at Sh. 21 per bag, the Government gave an undertaking to maize farmers that, if it could be established that a substantial increase in their cost of production had occurred, a corresponding increase in farm maize prices would be agreed to. As a result of thorough and exhaustive investigations the Government is satisfied that a substantial increase in these production costs has in fact taken place. For the 1949 crop, therefore, it has been decided to grant a further increase of Sh. 2/40 per bag of farm-grown maize actually delivered to control. The aggregate delivery is expected to be about 500,000 bags. The increase of one shilling per bag agreed to early in 1949 and to which I have already referred has involved the price of maize, meal rising by one cent per pound. The question is, should the further increase be passed on to the consumer? The Government considers that, in view of the profound effect that the price of maize meal has upon the general cost of living and therefore on the country's economic stability, the further increase in question should not be so passed on. The estimate under

Part C, Item 14, therefore embodies provision to allow for a subsidy to absorb this increase. Much as I personally dislike the idea of food subsidies—(hear, hear)—I consider that at this juncture in particular it is necessary to take all possible steps to keep prices from rising. In these circumstances I have no doubt that Council will agree that to subsidize is the correct decision to take. Nevertheless, we clearly cannot leave it at that and think no more about it. I propose, therefore, in concert with my hon. friend the Member for Agriculture and Natural Resources to bring this whole subject under the most careful review during the coming year. The whole question of commodity prices needs to be put on a firm and satisfactory basis.

And now, sir, what of the days to come? It is not given, alas! even to Finance Members to pierce the impenetrable veil that conceals the future from us, but I venture to suggest that we have every reason for sober confidence. We must, however, most firmly understand that the promise held by this fair and smiling country can never be fulfilled without united and unselfish effort. Above all, we must realize that no man is entitled to claim a right unless he is prepared to shoulder the responsibility inherent in that right. (Applause.) We must be prepared in fact to give as well as to take. To take all and give nothing, indeed to take more than we can give, means the inevitable impoverishment of our heritage. We must disabuse and discourage all those who seek to act in a manner contrary to this fundamental truth, for without that high sense of civic and national responsibility to which I have referred, this youthful land of Kenya will never grow to the healthy adult statehood which it is our pride to contemplate and our ambition to achieve.

With these words, sir, I commend the Estimates to this Council. (Applause.)

MR. RANKINE seconded.

MAJOR KEYSER (Trans Nzoia) moved: That the debate on the motion be adjourned.

MR. VASEY (Nairobi North) seconded. The question was put and carried. The debate stood adjourned.

#### ADJOURNMENT

Council rose at 10.35 a.m. and adjourned till 10 a.m. on Tuesday, 29th November, 1949.

**Tuesday, 29th November, 1949**

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 29th November, 1949.

Mr. Speaker took the Chair at 10 a.m. The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 3rd November, 1949, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By Mr. RANKINE:

Annual Report of the East Africa High Commission for 1948.

By Mr. O'CONNOR:

The Estates Duty (Forms) Rules, 1949.

By THE DEPUTY CHIEF SECRETARY (Mr. Thornley):

The Employment of Persons (Sanitation) Rules, 1949.

#### ORAL ANSWERS TO QUESTIONS

No. 63—INSKEEPERS' LIABILITIES

MR. VASEY (Nairobi North):

1. Is Government aware of the difficulty caused to many business firms by the uncertainty as to whether the Inskeepers Liability Act, 1863, and the Inskeepers Act, 1878, of the United Kingdom apply in this Colony?

2. If the answer is "Yes" will Government take steps to rectify the position?

3. If so, what steps?

MEMBER FOR COMMERCE AND INDUSTRY

(Mr. Hope Jones): The answer to the first and second parts of the question is in the affirmative.

With regard to the third part, after consultation with the appropriate bodies a draft bill, incorporating the relevant provisions of the United Kingdom legislation, will be prepared for consideration by the Government.

#### EXCISE DUTIES (AMENDMENT) BILL

FIRST READING.

On the motion of Mr. O'Connor, seconded by Mr. Hobson, the Excise Duties (Amendment) Bill was read a first time and notice given to take the subsequent stages during the session.

#### DRAFT ESTIMATES OF EXPENDITURE, 1950

REFERENCE TO COMMITTEE OF SUPPLY

The debate on the motion to resolve into Committee of Supply on the Draft Estimates of Expenditure for 1950 was continued.

MAJOR KEYSER: Mr. Speaker . . .

THE SPEAKER: If you find yourself in any difficulty because of the infirmity to your foot I am sure the Council will indulge you and allow you to sit.

MAJOR KEYSER: I am very grateful, sir, but I have got one very-good leg!

Mr. Speaker, if there is to be a time limit on speeches in this debate I should like to claim the privilege that is usually allowed to one member of each group to speak for longer than the half hour.

THE SPEAKER: To my mind, we are not in committee and the rule does not apply.

MAJOR KEYSER: Thank you, sir.

MR. VASEY: On a point of order, may I say that I think the hon. Member for Trans Nzoia is referring to the gentleman's agreement which has always existed of recent times?

THE SPEAKER: That there was a half-hourly limit on speeches and various other things—I did not know that that was more than a temporary arrangement. In any case I am sure Council will indulge the hon. member.

MAJOR KEYSER: Thank you, sir.

I should like to start by congratulating the hon. Financial Secretary on the very excellent speech he made in moving this motion. (Applause.) His speech was characterized by a sense of reality, and a grasp of the financial and economic problems of the Colony which was remarkable considering the very short time that he has been in the Colony.

I should like to take Council back to the period before 1949, because many hon. members were not here then and I think it is essential that we should-keep in mind the financial policy of that time. In 1939, after the declaration of war, it was considered that this Colony might have to meet far greater expenditure than was normal, owing to the war, and certain increased taxation was imposed.

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That consisted of an increase, and a very substantial increase, in the income tax rates, the institution of an excess profits tax and a ten per cent surcharge on customs duties. There was, it should be noted, no increase in the native poll tax.

Now, during the war years, very largely because of the amount of money that was spent by the military in the Colony, but entirely fortuitously, our revenue increased by leaps and bounds, chiefly through customs duties, and during the period up to 1948 we had a succession of surplus balances at the end of each year. If taxation is increased and at the same time there are a succession of years with surplus balances, I think it is only fair to say that the community for that period is being over-taxed; and while of course there were other reasons for maintaining that taxation that was because it had an influence on inflation. Nevertheless, I do not think that we can argue that the community was not over-taxed during that time. In 1947, I think it was, the excess profits tax was abandoned and the income tax rates were reduced by a fraction of the 1939 increase. The customs surcharges were incorporated into the customs duties and I think, sir, that that is the picture that we must keep in our minds for some time, and especially in this debate.

Going on to the 1949 estimates, in 1949 the native poll tax was increased by one shilling. Again there was a buoyant customs revenue and the revised estimates of expenditure for 1949 show an increase of £641,000 over the estimated revenue, but the revised estimates of the expenditure for 1949 show an increase of £900,000 approximately over the estimates for 1949. Now that is a large figure—it is some 12 per cent of the estimated expenditure—and I was rather surprised that a figure of that sort was not referred to by the hon. member in his speech. I can only think, in fact I know, because I have the schedule before me, that most of that £900,000 was expenditure by a special warrant, and Council will remember that on various occasions in the past hon. members on this side of Council have protested against the expenditure of large sums of money in that manner during the financial year.

Now we all know that there are times when an emergency suddenly arises and expenditure has to be undertaken by that means, but it does appear that 12 per cent or 14 per cent of the total expenditure is a very large proportion, and that by estimating more closely one could avoid that expenditure by special warrant. We have, as I said, made protests in the past, and the last one was very ably made by the hon. Member for the Coast just over a year ago. I hope, sir, that during this new financial year the Standing Finance Committee will harden their hearts and be very loath to allow expenditure by this means.

In 1949, during the debate, Mr. Troughton, who was Financial Secretary at the time, said: "This position, I suggest, does not mean that our surplus balances can or should be dissipated", and later on he said: "Since 1939 the Colony's surplus balance has risen from £400,000 to £3,000,000 as a result of careful administration, and it would be utterly wrong, I suggest, to use it in any other way than as a taxation equalization fund and general reserve, particularly when we are faced with recurrent commitments of a magnitude which might well appal the bravest." That statement made by the Financial Secretary could only be interpreted as the basis of a policy for the use of these surplus balances, but obviously that could only be a basis and that policy would need a certain amount of elaboration, and hon. members on this side did expect some elaboration of that policy in the hon. Member's speech. (Hear, hear.) Our surplus balances have continued to increase and are now reaching a very substantial figure. I should like to suggest to this Council that our surplus balances should be put into a fund until that fund has reached a total of £5,000,000, and that the use of the fund should be first of all in the event of a trade recession, and the reduction thereby of our revenue, to use these funds to meet our expenditure commitments during a time of readjustment.

We have heard quite a lot about "Dismal Jimmies" and gloom and pessimism of the future, but surely we would be foolish not to take some note of the signs that are appearing in the world that there is financial instability. No one can argue against the influence of the United States of America on the commerce of the world. In the United

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States of America the market for manufactured goods is reaching, or has reached, saturation point, and owing to the effort to produce greater quantities of agricultural produce they now have a very large surplus; very large indeed. It is only if the economic accord of the world can be maintained that the United States of America and the other great Powers can maintain the present financial stability. Should that financial stability not be maintained, and should the United States be forced to throw its surplus of manufactured articles and agricultural products on to the world market, then I think that we are immediately going to be faced with the position with which we were faced in 1929. That is a possibility, and while that possibility exists I believe it will be prudent on our part to be prepared to face that situation should it arise.

Should the financial blizzard hit us suddenly, the immediate result would be a falling off in our revenue, but our expenditure could not be reduced at the same rate as our revenue will be forcibly reduced. The greater bulk of our expenditure is in the form of personal emoluments which are bound by contract, and we know from our experience of the past that you cannot reduce that type of expenditure immediately, so that we will probably be faced with the situation that our revenue will be suddenly reduced and having to continue our expenditure at very nearly the same level of the time that the financial crisis occurred. We must have some reserves to meet that blow, and if we have a fund of the magnitude that I have mentioned, of £5,000,000, then we have something to fall back on during the period of readjustment. The period of readjustment must start immediately and we should then be able to carry on and readjust our expenditure to meet the new level of revenue. So that, to my mind, is the first use to which we should put this fund.

The second use to which we should put this fund is by using it as a tax equalization fund. That suggestion has caused quite a lot of criticism, it has given rise to quite a lot of criticism, but the effect of a reduction of taxation during a slump, combined with possibly increased expenditure on development, would ease the blow very considerably.

The justice for the suggestion that taxation should be reduced under those circumstances is that while revenue was buoyant the taxpayer was overtaxed. That point I made at the beginning of my speech, and if it is agreed that during the period from 1939 onwards the taxpayer was overtaxed, then there is justification for a reduction in taxation when the slump hits him and he finds himself in difficulties. The fact that we have put £5,000,000 into a fund for this purpose does not mean, of course, that it is frozen for ever, and may not be used for other purposes. Should the situation clear up, in fact, at any time this Council by motion could apply that fund to other purposes, but meantime we should resist any attempt at the surplus balances being used for developmental purposes.

The hon. member, in his speech, said: "While, therefore, in the normal course there may be no need to apprehend an actual fall in receipts, we cannot expect the curve to go up and up without flattening out at some time. Moreover, with so many of our eggs in the Customs basket we are, of course, unusually susceptible to any economic disturbance such as a trade recession. The question of whether we can continue with this disturbing and disproportionate reliance upon one source of revenue will, I suggest, have to engage our most serious consideration in the not distant future." Of course, I do not know, and would very much like to know, what was in his mind when he said that. If we have the trade recession that he visualizes, it is not only revenue—(Mr. Cooke: Did he say so?) I thought he visualized it, did he not? I thought he was visualizing a trade recession, and I cannot think he was talking through his hat in that part of his speech. (Laughter.) I think he visualized a trade recession. (Mr. Matthews: No, sir.) You did not! (Laughter.) Then why did you mention such a thing as a trade recession? You were thinking of the possibility of a trade recession, and while the hon. member was thinking of that possibility he thought merely of its effect on the revenue through the customs duties. But if there is a trade recession, let us put it that way, if there is such a thing as a trade recession—and I am glad to see so many optimists on this Council—then it is not the revenue through the customs duties only that is going to suffer, because

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quite obviously there will be a reduction in incomes and there will be a reduction in income tax.

On that, I was a little bit puzzled about the meaning of what the hon. member said. I wondered what other means of raising revenue the hon. member had in his mind, because I can think of none at the moment that would really affect the situation apart from other customs duties or direct taxation. He, perhaps, in his reply, could elaborate on that particular point. I think; perhaps, he was thinking that an increase in income tax might meet the deficiency caused by a trade recession in our revenue from customs duties, because he immediately went on to the question of income tax, and for the second year in succession the Member for Finance of the time has uttered what amounts to a reprieve to the payer of income tax. For the second year we have had a veiled threat that this might be the last year of the present reduced income tax and that we must be prepared to pay higher rates. Last year I warned Government that any attempt to increase income tax under present conditions would be very strongly opposed, and for various reasons. There will be an opportunity when we are in Committee of Ways and Means of going into detail on income tax, but I would like to give shortly the reasons why any increased rates in income tax would be opposed.

The first one is one that was mentioned by the hon. member, that is the question of unassessed incomes, Sir, the members on this side of Council have for some years past protested against the very large number of unassessed incomes that mount up each year. Whether there has been a reduction in numbers or not I do not know, but we have year in and year out made our protest against this non-collection of income tax. Last year the Commissioner for Income Tax was sworn in as a special member to reply to some of our criticisms. He told us that he had issued a directive to the staff of his department that they should adopt the recommendation of the Plewman Report in order to speed up assessments. I cannot see, going around the country and talking to accountants and lawyers and my own constituents, that the position has improved at all. There is still a vast amount of incomes that are un-

assessed. I had a very curious experience myself last year over this because just after this particular debate I happened to go back to my farm for the week-end and my accountant presented me with a letter from the Income Tax Department drawing attention to the fact that I had not been assessed for four years and would I submit my accounts, balance sheets and everything else for those past four years. It was fortunate for the Commissioner of Income Tax that I did not have that letter in my pocket at the time of the debate! But there is an instance of what is going on throughout the country, and we are told every time that it is his aim to collect this income tax but he has no staff and it cannot be done.

If a man's income is going to be accepted, which is what the Plewman Report practically recommends, the only requirements are a modicum of commonsense and a knowledge of elementary arithmetic. Yet we are told that the reason why these assessments cannot be made is because there is no staff. Yet, Sir, every year we come into this debate here and we are faced with an enormous increase of staff in all departments. Surely some of these chaps who are going to be put on as deputy provincial commissioners, welfare officers or something of the sort, know enough about arithmetic and have enough commonsense to be able to assess the incomes on that principle? (Laughter.) The thing does not sound commonsense. One moment we are told there is no staff to do this very simple little duty, and the next moment we are asked to face an increase of £545,000, I think it is this year £604,000, in personal emoluments, and yet we are still faced with these vast unassessed incomes for years back.

Now I am again making that protest, and I am making it on behalf of the community that pays the greater portion of that income tax. We are protesting against the fact that tax is not being collected from us in the proper manner. Right. No Financial Secretary can tell what the revenue is until the income tax for that year has been collected. The hon. member opposite cannot tell me what our revenue from income tax should be this year, or should be next year. So how can he give us a fair estimate of the revenue that is going to be collected? And if he cannot give me a

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(fair estimate of what the revenue is going to be, or what is going to be collected, and if he is not collecting it in spite of our protests against it not being collected, what Government under those conditions can dare to impose greater rates of income tax? (Applause.)

MR. RANKINE: On a point of explanation, surely the Financial Secretary has given a fair estimate? (MR. BLUNDELL: We do not know!)

MAJOR KEYSER: I do not think it is a fair estimate at all, it is a guess. It cannot be anything else but a guess under the circumstances.

MR. MATTHEWS: On a point of explanation, it was—

THE SPEAKER: The hon. member has not yet given way. (MR. COOKE: He finds it difficult to sit down!)

MAJOR KEYSER: I am sorry I was looking for my notes, which were lost!

MR. MATTHEWS: On a point of explanation, nobody has suggested that there should be an increase of any income tax in this budget.

MAJOR KEYSER: No, I said it was a veiled threat. (MR. COOKE: Innuendo.) I call it a veiled threat. Nobody likes veiled threats in this world—even the income tax payer does not.

The other reason why we should oppose an increase in the income tax rate is that as we are placed in this Colony it still falls on one community, or one section of the population—I will not say one community. If it is found necessary to increase direct taxation, as opposed to indirect taxation, then there are other forms of direct taxation than income tax that should receive the attention of the hon. Member's department. But, above all, I oppose too high rates of income tax because I think it is destructive to incentive, because in this Colony what we need to-day is to attract private enterprise, and if we raise our income tax rates too high we are going to keep away this private enterprise which we so badly need.

The hon. Member then went on to say "and now I turn to the more congenial subject of expenditure" (Laughter.) I am surprised to find that there is anyone who finds anything con-

genial in the draft estimates of this year or any other year, but no doubt it shows great keenness on the hon. Member's part, and I am glad to see that there is someone who gets a kick out of these draft estimates!

In the 1950 budget the estimated revenue over estimated expenditure shows a surplus of £105,000. This, sir, in the opinion of hon. members on this side of Council is far too small a margin, and during the committee stage of this debate I hope that we will be able to effect a reduction in expenditure which will give us a margin far greater than the £105,000.

Almost every time we reach this stage where the budget is presented there is a protest against the very great increase in expenditure. Now I am one of those who believe that if we are going to have progress we must have increased expenditure, and we have also got to remember that a very great amount of this increased expenditure is due to inflation. But at the same time I think we have got to be very careful to see that there is no waste of expenditure. There is a tendency for the whole structure to become top-heavy. Last year, and I think the year before, we protested against the increase in the budget for the Secretariat. This year there is an increase in that vote of some 33 per cent. We have still large sums of money being spent on such departments as price control, welfare, co-operative societies, and so on.

I think we should be very careful to examine the effectiveness of these particular departments and to see whether it is still necessary to maintain them, because the sum total of what might appear to be doubtful undertakings is a very big one, and we should consider whether these departments are really pulling their weight, and if not they must be ruthlessly abandoned. The suggestion to abandon these things never comes from the other side, which is what depresses me. We had an awful fight last year for the abolition of the posts of deputy provincial commissioners, when it was perfectly obvious to everybody that they should have been abandoned the year before, or should never have been created. But it would be refreshing to have a suggestion from the other side that some of these redundant services should be abandoned.

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The hon. Member went on to talk about the effect of policy on expenditure, in fact on the budget of the Colony, and he said: "An assumption that the financial implications of a far-reaching scheme, for instance, can be avoided or transformed by even the most economical administrative methods betrays an absence of a sense of proportion". That is so, sir. It depends, of course, entirely on how big the administrative costs are and, as I said, I have taken the trouble to get the total of the personal emoluments that appear in this budget, and they come to some £3,772,000. That is a large sum of money and, unless the whole of that staff is efficiently and usefully employed, there can be a very great wastage. If you have a 10 per cent wastage it means a very large sum annually that is being wasted. I do think that there is necessity for a very careful scrutiny of the staffs of all departments, but more especially at the top. The man in the field has, of course, always got a direct job to do. One can see the results of it or can gauge what he is doing, but it is when you get to the top, the headquarters of the departments, the Secretariat and so on, that it is not easy to see the results and it is not easy to gauge to what extent the staff really is pulling its weight.

He went on after that to give an example of the effect of policy on expenditure, and he gave the example of the Police vote. I think that the effect of the policy to maintain law and order should be very much wider than merely increasing the Police vote. (Hear, hear.) The police detect crime and they bring criminals to justice. The more efficient they are the greater the number of magistrates we need, and the better the magistrates do their job the greater capacity we need in our jails. I wonder whether that is really in the long run going to effect a reduction in our crime. It does seem to me that what is missing in this country, and what is missing in a good many parts of the world to-day, because it broke down under the stress of war, is a public opinion which is going to prevent crime. There is no public opinion among portions of the population of this Colony against crime, and that public opinion must be built up somehow.

The most effective way that I can think of producing a public opinion against crime is to put the responsibility of financing the increased costs of maintaining law and order on the people who are responsible for the crime. Crime during the last year has increased enormously over the very high, especially round Nairobi, level it had reached in past years, and I think that we must bring it to these people that it is up to them somehow or other to try and keep down this crime. I think that, if we put the responsibility on them of paying for this increase in the police and in the magistracy by adding a substantial sum to the present rate of poll tax they would begin to realize that they have got to take a greater interest in the suppression of crime.

A large portion of our expenditure is now going into social and welfare services, and there is in the financial statement a comparison of the expenditure on productive services and on social services. We did last year emphasize the importance of the emphasis on expenditure being put on to productive services, that unless our productive services were nursed that we would not be able to effect the increase in production in the Colony that was necessary to maintain our revenues at a high level. At the same time we did suggest that the beneficiaries of social services should make a greater contribution to the cost of those services than they were making. (Hear, hear.)

The hon. Member went on to the Development and Reconstruction Authority. There has been, and still is, quite a lot of criticism at the amount of money that is being spent on the development of this Colony. People forget the appallingly undeveloped condition of the Colony at the end of the war. They forget that from 1929 to 1939 that, owing to the effect on our revenues of the low produce prices in the world, we did practically no development at all; that during the war, owing to the shortage of manpower and materials, again practically no development was done, so that for very nearly two decades there was a dead period as far as development was concerned; and that when hostilities ceased we found that the public services were in a very deficient condition.

As a result of that the Development Committee was appointed to go into the

[Major Keyser] various plans for development. Almost as soon as the Development and Reconstruction Authority started to function it became quite apparent that the Development Committee's programme had been pared down to an amount which they considered financially safe, and they recommended that during the ten years that would elapse from 1946 a sum of £19-million should be spent, and that a loan of £5-million would be included in that £19-million. They considered the raising of this loan safe because, in their own words, it represented a modest sum for the Colony which would, at the end of the ten-year period, have carried out a programme of development and reconstruction which should have led to a material increase in the national income and taxable capacity of the Colony. The Colony is now faced with the possibility of having to raise loans of £18-million for this purpose of development, and if in 1946 the wisdom of raising by loan £5-million depended on the proviso that it would result in an increase in the national income and taxable capacity of the Colony, how much more necessary is it to-day when we are proposing to raise £18-million that that proviso should be safeguarded. (Hear, hear.)

Half of that period of ten years has now elapsed, and we have spent £10-million, or approximately so. Have we not reached the stage where to-day we can assess what effect, the net-effect, of the expenditure of £10-million is having on our national income and on our taxable capacity? I say "net," because I do not mean the increase in the national income that is due to the expenditure of the Development and Reconstruction Authority development money. But surely, if we are going on now to consider the expenditure of these large sums, we should be quite certain that they are going to have the desired effect on our national income and on our taxable capacity because, if they are not going to have it, and we are certain of that, we have got to consider, very, very carefully to what extent we are going on with these development schemes.

The hon. Financial Secretary pointed out to us that during the next five years our recurrent expenditure will increase by some £4½-million. If at the same time

the proposed expenditure on our development will have the result that our revenue will go up by £4½-million, the position is clear and quite easy, but if it is going to have very little effect on our revenue but a very big effect on our recurrent expenditure we will get into difficult water, and now is the time for us to consider what the position is going to be with regard to our national income.

In their interim report the Development Committee laid down as a basic principle of planning that its object was "to use the natural resources of the country, including manpower, in a manner calculated to increase the national income of Kenya in the shortest space of time so as to raise as soon as possible the standard of living of the majority of the inhabitants." Well, what are our natural resources? In most countries minerals are extremely important, and I do think that while we should press for our geological surveys and encourage mining and prospecting we should not place too much reliance on the possibilities of mineral discoveries. Our forests are employed full time almost in meeting the requirements of the Colony, and while we support the forest development programme I doubt whether we will have any results that would affect materially the national income of the Colony for at least another quarter of a century.

So we are left with our agriculture and our manpower. If we are to increase our national income then we must develop our agriculture and our manpower, because they are the only two natural resources that to-day will have any immediate effect on our national income. The domestic exports of Kenya for the last three years were, in 1946 £7-million, in 1947 £9½-million, and in 1948 £11,400,000. Of that coffee, sisal and tea accounted for 45 per cent. The hon. Financial Secretary drew attention to our adverse trade balance and he referred to some of the invisible exports that we have got in the form of overseas assets of our residents, and there are, of course, as we know quite an appreciable amount of invisible exports. But we also have very considerable invisible imports, because we have to meet our sinking funds and interest on our loans and dividends on investments of people

[Major Keyser] overseas, and profits made by banks, which all go overseas, and practically all our insurance premiums, so that is a very heavy list of invisible imports which has to be met by our domestic exports.

Therefore, if the value of our domestic exports falls in relation to the commitments of invisible imports then the balance that is left over for imports into the Colony must drop unless we are to continue with an adverse trade balance. Unless in the future we can increase or at least keep up our domestic exports we cannot hope to maintain the full value of imports, and if our imports are going to drop or do not rise in relation to our increased expenditure then our revenue from customs duty will drop, so that unless we can increase our domestic exports it is going to be extremely difficult for us to meet the cost of this development plan. Our duty to-day should be to concentrate on this increase in the products that we export. If we look at the list of exports from this Colony we will find that out of the £11-million some £9½-million are produced by European enterprise and some £2-million is the export of the native reserves.

I am one of those who consider that the native reserves can be developed to produce very considerably more than they are producing to-day. (Hear, hear.) The standard of agriculture, which was extremely low in the reserves, is, I am very glad to say, showing great improvement. I have visited some of those reserves and was astounded to see the advance that has been made in the methods employed in those reserves, and I think that it is perhaps the greatest justification there has been for the appointment of a Member for Agriculture and for the appointment of the present holder of that post. (Applause.) Because there does seem to be a genuine desire now on the part of the Africans to improve their methods in the reserves and to maintain their soil fertility. I am only speaking of the reserves that I have seen, but I was most impressed by what I did see in those areas.

But even there there are vast opportunities for increasing production. I think that possibly the development of more *robusta* coffee in Kenya might pro-

duce a considerable amount of revenue. I am quite sure that there are comparatively large areas of Kenya that would produce cotton if the right types of cotton were discovered. We have an industry which seems to have been developed extraordinarily little, and that is the cattle industry, and perhaps that has very largely been due to the fact that cattle have been so tied up with the social side of African life. If we can only improve the cattle of the Colony, the native-owned cattle, if we can show the African that there is another side to the keeping of cattle other than merely keeping them as a dowry, that perhaps would be the best way of getting over some of our difficulties of overstocking the native reserves, but I do not believe that we are going to reach any measure of improvement until animal husbandry is tied to agriculture.

THE SPEAKER: That would be a convenient moment for us to suspend the business.

MAJOR KEYSER: Have I spoken as long as that? (Laughter.)

Council adjourned at 11.05 a.m. and resumed at 11.20 a.m.

MAJOR KEYSER (continuing): Mr. Speaker, when we adjourned I was referring to the possibilities of the development of the cattle in the native reserves and I was talking about the fact that animal husbandry is, or should be, a complement of arable agriculture—(hear, hear)—and I believe that one of the greatest steps that could be taken to-day to further the native cattle industry is to put animal husbandry under the agricultural officers. That is no reflection on the Veterinary Department. Their duty is to look after the diseases of cattle and not the animal husbandry side, I say arable agriculture because I always think of cattle as being part of agriculture. Arable agriculture must have cattle included in it if it is going to be fully effective, and until the agricultural officers can include animal husbandry in their attempts to improve the whole standard of agriculture I do not think we will see any great advance, and I would suggest that that is one of the first steps that should be taken as a policy towards increasing and improving the native cattle industry.



[Major Keyser]

There is one other way in which I think that the industry could be improved, and that is on the genetical side, and that is the duty of the Veterinary Department. The Veterinary Department have large breeding centres at the moment in different parts of the Colony where native cattle are being bred up to give far greater yields of butterfat and better conformity, but it takes a peculiar type of person to make a success of genetics—(laughter)—and it is not everybody who can do it. There are very, very few men who really can, and instead of having a whole lot of these breeding centres dotted all over the Colony I believe we should have big ones under selected directorship. From these centres bulls should be distributed to native areas, and when that has been done then there should be an extensive campaign against scrub bulls. By adopting the two methods of associating animal husbandry with arable agriculture, and strengthening the genetical side of it, I believe we could produce in an appreciably short time a great improvement in the native stock and in the produce from that stock.

That is dealing with the suggestions for increased productivity in the native reserves. I said that 29½-million out of £11-million domestic exports were produced under non-native enterprises, and there is very great scope for the increase of exports from the non-native areas. The direction and the finance are available, but the bottleneck at the moment is labour. Now I should like to say—I think it has got to be said some time, and I think I had better say it now—we are here all together, we have got a number of races in the Colony and unless we are all going to pull together for the commonweal of the Colony then I think our future is a dismal one. I believe that the African and the non-African interests must be complementary. There seems to be an idea that if agriculture is developed in the native reserves somehow or other it is going to produce a disadvantage to the non-African, or that if the native is encouraged to come and work in the non-native areas then he is going somehow or other to acquire a disability. As I say, we have got to pull together. If we are to increase the productivity of the

Colony, whether it is the native areas or the non-native areas, it is going to have the same effect. It is all going to be for the good of the Colony, and unless we are going to produce the finance, which can only be produced by increased productivity, then I cannot see how we can finance the social services which we all consider the country needs.

In the non-native areas I said that the bottleneck is labour. It is not only the efficiency of the labour; it is the numbers of labour. The non-native areas could produce vastly greater quantities of coffee, sisal, wattle and foodstuffs which could be exported to countries that require them and in that way facilitate the payment for the services that I have mentioned, but somehow or other that labour is not available to-day, and I do think it should be the policy of Government in some way or other to find the labour that is going to effect the increased productivity which is so necessary. If the African in Kenya is so employed in his own reserve that he cannot come out and work outside the reserve then I think Government should seriously consider whether it is possible to find labour from outside the Colony. But, unless we are going to increase our productivity, we cannot pay for all these services, and that is the important thing to keep in mind when considering development schemes.

On the question of loans. In the expenditure estimates there is the sum of £500,000 for the repayment of the balance of the 1928 loan. It seems to me that that is departing from the past policy of the Colony of paying these balances by the flotation of a new loan. I think it may have escaped the notice of the public possibly that, when considering the estimated surplus balance, there is this sum of £4-million in the expenditure estimates which really should go towards swelling the surplus balance, and I believe we should pay that half million to our surplus balance and repay the 1928 loan out of our next loan flotation.

Last year there was a suggestion from this side of the Council that interest rates would harden and that Government should float a loan during 1949. I think it was a great pity that Government did not take the advice of members on this side of Council, because

[Major Keyser]

it would appear, although I do not know what the two hon. members who have just returned from the United Kingdom were able to effect, it would appear that interest rates have hardened and will possibly continue to harden, and that the sooner we float our loans the better.

The hon. Financial Secretary very wisely in his reference to devaluation said he did not know what the ultimate effect of this adjustment will be. It is, of course, too early to say. We do know that one of the immediate effects of devaluation will be that our imports from hard currency countries will rise in price, but we are not certain that we are going to get the full devaluation values of our exports to those countries. In fact I should doubt very much if we will get them, so that we need not think that the one is going to balance the other. I should imagine, of course, that the next few months will see some of the prices which our produce has received in the past few weeks drop very considerably.

With regard to the hon. Member's reference to the increase in price of Sh. 2/40 to the producer of maize, I would like to make it quite clear, because it does not seem to be quite clear, that Government's suggestion that the consumer should be subsidized to the tune of Sh. 2/40 a bag is really not a subsidy to the maize grower. The price of maize, as in fact of most of our products, has for many years been below that of world prices, and the custom has crept in of talking about guaranteed prices to producers of maize, butter, and so on. There is no question of paying guaranteed prices, they are controlled prices, they are kept down below world prices, and this subsidy to-day is a subsidy to the consumer and not to the maize grower.

With regard to that policy, some time ago there was a suggestion in this Council that the consumer should be subsidized and the majority of members on this side were opposed to that principle. I believe that to-day, possibly, we would accept that for this particular commodity, but we would like the assurance from Government that the policy of subsidization to the consumer will not be extended to other commodities, and

that should the time arrive when the maize grower can accept a lower price for his maize the first drop in the price of maize will be reflected in the abolition of this subsidy to the consumer.

Sir, I have only one more reference to make. I do not think that in the hon. Member's speech he used the words "High Commission". The High Commission has only a very short life. It was established for four years; in other words it is a temporary set-up. It does seem to me that they are rather establishing themselves on far too grandiose a scale considering that they are really a temporary set-up, and I believe that we should watch very carefully the expansion from now on of the High Commission.

I must apologise to hon. members for having taken so long. I really thought I was getting through it rather quickly!

Sir, I beg to support.

MR. NATHOO (Central Area): Mr. Speaker, first of all I would like to associate myself with the remarks of the hon. Member for Trans Nzoia when he complimented the hon. Financial Secretary on his very lucid statement on the financial position of the Colony and the implications of the 1950 budget. (Hear, hear.)

In spite of the fears expressed last year, and I must admit that I was one who expressed such fears, the revenue from the various sources, particularly customs, have more than come up to expectations. But that in no way leads me to think that the odds against these estimates not coming up to expectations in 1950 are any less, and from what little information I was able to gather at the coast on a recent visit from large importers of various goods I am of the opinion that we should not be surprised if these estimates of revenue are not realized. With this in view, and in view of the general position of world affairs as far as they exist throughout all countries, we should keep a careful eye on our revenues and, consequently, on our expenditure; as otherwise we are likely to find ourselves in deep waters.

The suggestion has been made by the hon. Member for Trans Nzoia, as it has been made by other speakers at other times, that whatever surpluses we may

[Mr. Nathoo] be able to have during these periods of buoyancy should be put to an equalization account and that there should be schemes for development during times of depression. I, too, would like to support that argument. My only regret is that with the high prices of the various products we have been able to obtain during the past few years we have not built up more substantial reserves than we have done so far. Members must be aware that in Tanganyika they have introduced a sisal export tax, the proceeds of which are going to be applied to the general development of the territory. In view of the fact that this commodity has had several rises during the last few months, I should say rather than years, the hon. Member for Agriculture should consider whether a similar policy is not advisable in the best interests of this country. The same thing might be applied to coffee, which has been obtaining very high prices in the free market. It is quite certain that these prices will not be lowered for a long time, and while the going is good the general taxpayers ought to benefit from the high prices obtained by interested parties, because when times are bad quite a lot of these people get assistance from the general revenues.

Reference has been made to the very high increase in the cost of social services of the Colony. While in view of the limited finances of this country it may be fair to say that the cost of these services has risen to a figure which it may well be impossible for us to meet, at the same time we must not lose sight of the fact that throughout the world there has been a new awakening, a new school of thought, whereby the general masses have demanded and have been getting services which a few years ago would have been incredible.

The same trend is evident in this Colony and, as it has been recently stated, particularly in connexion with the hospital tax for the European community, there is a policy of communal taxation for these services. That, sir, is quite inevitable and will, I am afraid, have to be followed as far as education and perhaps some other fields of social services are concerned. At the same time, when certain communities are

making sacrifices to obtain these services, it is inevitable that a larger encroachment will have to be made on the Colony's revenues to help those people who help themselves. It is therefore, I consider, a warning from the Member for Finance rather than a threat that with the trend of events income tax may have to be increased. While I, and most people, would not like to pay any more than we pay now, with the trend of events and with a sense of fairness, I must say that, if a larger proportion of the burden for social services has to be borne by those who can afford it, I for one certainly will not quibble.

There is one general remark I have to make about the expenditure of the Government. I am sure that when the votes are being discussed in the Committee of Supply we will get an opportunity to make detailed criticisms and remarks on the policy of the Government, but there is one thing I should like to state here as a criticism of the Government's policy, and that is that in spite of the very sincere assurances given by the hon. Member for Commerce and Industry about the reduction of controls the commercial community and the public generally feel that the reduction has not been as rapid as it might have been. With the exception of one or two controls, the details of which, as I said, will be discussed when the time comes for it in Committee of Supply, I should like to say that the time has come now when there should be a skeleton organization for most of the controls to see that no abuse is perpetrated by the removal of these controls, and a substantial reduction should be made in the establishments of most of these departments.

As hon. members of this Council are aware, a visit was recently paid to the United Kingdom not only by the hon. Chief Secretary and the Member for Finance of this Colony, but also of the adjoining territories, and the public is waiting with great anxiety and interest the results of their achievements and their talks. As usual, a lot of remarks are rife as to what happened there and what the policy of the Government is going to be. There is a general feeling that the Colony may not be able to raise all the loans it was hoped to do a few months ago, and that

[Mr. Nathoo] as a consequence most of the development programme of the Colony will have to be curtailed. I appeal to the hon. Chief Secretary to see that an early opportunity is taken to make the position public as far as is discreetly possible so that we may know where we stand as far as our future development programme is concerned.

Reference has been made to the increase of productivity of the African and non-African areas. In this connexion I should like to say that during the last budget session, arising out of the debate which took place on the Indian and Arab Land Settlement Board, a definite assurance was given by the hon. Member for Agriculture that something would be done to ameliorate the position this year. I do not know what has transpired, but certainly from what little information I have been able to gather I find that the position is still in the semi-stagnant state and nothing seems to have been done. Is it, I ask hon. members of this Council, right that while every effort has been made, is being made, and rightly so, to assist both African and European inhabitants of this Colony to increase their national income, to increase their means of earning, that so little attention has been paid to the Asian section of the community in assisting them to achieve their rightful place in this Colony? I appeal to the members concerned that more careful and sympathetic attention should be paid to our needs.

In conclusion, I do not wish to take the time of Council by saying very much more, except to hope that the confidence which the Hon. Member for Finance has expressed in moving the budget is realized and that, once again, I and the other critics will find ourselves in the wrong. (Hear, hear.) With those few remarks I beg to support. (Applause.)

MR. COOKE: Mr. Speaker, I am sorry that my old friend has joined the bedraggled army of the dismal jimmies in his prognostications! I have heard the same prophesy made for the past five years, notably by the late Member for Mombasa, and year after year we have been told that the customs revenue would fall, but year after year it has

risen with most unfailing regularity. I myself have little doubt, and I share the confidence of my hon. friend the Member for Finance on this matter, that next year will show an equal rise in the customs.

To deal with the hon. Member's speech I intend to traverse certain of his statements and to expose what I consider to be certain fallacies in that speech.

First of all, to deal with law and order, the hon. gentleman appeared to me to feel that the only ingredient in the maintenance of law and order was the police, and he imputed to our side of Council, and rightly imputed, a good deal of the blame for increasing the police vote. Well, sir, I am one of those who believe that law and order can be maintained without a large force of police, because I believe that other factors enter into the maintenance of law and order. First of all I would mention the factor of deterrent sentences. I am not going to dwell on them because I have a great respect for the Judiciary of this country, and I think it would be improper for me in any way to criticize the courts, but I do think that the Chief Justice at any rate might be approached with the object of, well at any rate hinting to the magistrates that they might be a little bit sterner in their administration of justice.

There are two more factors which I will deal with at very little more length. I believe there is not stern enough administration of the native areas, in spite of the fact that the administrative officers have been increased by nearly a third in the last few years and in spite of the fact that there are a number of welfare officers, revenue officers and various other officers, it does seem to me—and I know I am only saying now what has been said so many times—that there is not close enough administration. I had a letter the other day from a very intelligent woman who is the wife of a very senior officer in this country, and she said in her letter that she thought the mistake made by the Administration to-day was that they were all becoming political officers. What she meant was that they spend most of their time looking round the corner for some potential communist, or some potential agitator, and that they were not paying sufficient

[Mr. Cooke] attention to the matters that really count. That was an expression that I have been looking for for years, and I think that that sums it up. They have become political officers and they are not paying enough attention to the welfare of their own people, and in the welfare of their own people I put as number one attention to the decrease in civil crime.

It has been said by my hon. friend the Member for Trans Nzoia, and it has been repeated in many speeches in this country and in many letters to the Press, that there is no public opinion amongst the Africans on the question of crime. I am not competent to deal with that, and no doubt possibly one of my African friends will do so, but I would say this, that I keep very much in touch with the African newspapers and I have read the various speeches made by the Governor and the replies by the chiefs, and in a multitude of cases the chiefs have laid great emphasis on the fact that crime is increasing and they have almost gone on their bended knees, as it were, to ask Government to take strong action in the matter. People say that the native authorities should take the action themselves. I imagine the native authorities would say to that: "Yes, if you give us back our old sanctions we will pretty soon put an end to serious crime in this country, but we are impeded and prevented by the laws of this country." I am not criticizing the laws of this country, but, nevertheless, when you consider it from the African point of view I think it is unfair to put too much emphasis on the fact that the Africans themselves are not taking a sufficient part in the control of crime in this country, because I know the Africans suffer just as much as the Europeans, and I am perfectly certain are just as eager to get rid of it.

Now about the Spivs Ordinance. We all thought that that Ordinance was going to be put into immediate effect. So far as I have seen there has not been much immediacy about it. It is perfectly true there have been two raids in Nairobi recently, but in my opinion those raids, if I may use a familiar expression, are no better than a sick headache. It is perfectly useless—perhaps it is 10 per cent useful—but in all respects it is useless to have a raid and capture 500 people

and then fine them and let them out in a day or two, because, of course as is only human nature, they are going to pay for the fines by a little bit more thieving. It is too easy.

I have here a quotation from what His Excellency said 18 months ago in what must have been a very important address, because it was an address which ushered in this new Legislative Council. These are the words of His Excellency, and I want to ask if these words are going to be implemented, or if they are not going to be implemented then for goodness sake do not utter them. His Excellency said this, and it can be referred to in Hansard: "Proposals are now being worked out which will enable—or maybe will require—magistrates in such cases—that is the short-term cases—to direct such people for perhaps not less than 12 or more than 24 months or even longer to a reformatory, labour corps or farm".

His Excellency went on to say, and this is apropos of the money being spent on the Development and Reconstruction Authority now, that this would save hundreds of thousands of pounds in prison buildings. I am not what you might call a very savage person where Africans are concerned, but I do think that any man who is an enemy of society as these people are—and I include Indians and Europeans—anyone who is an enemy of society, I believe the only way is to draft these men up to the Northern Frontier or to some outlandish place like that, put them into concentration camps (perhaps an ugly term) or behind barbed wire, and make them work out their sentences in an uncomfortable climate. We would then not only get rid at once of these people but it would act as a reformatory to a certain extent. We are always talking about trusteeship, but what kind of trusteeship is it that permits these young Africans in Nairobi and thousands of other people who should be working in the reserves or elsewhere to wander about the streets and get into trouble? Surely that is a very negation of what we claim to be trusteeship.

With regard to the second point, in the hon. Member's speech he indicated that the Road Authority would not necessarily bring in any more money, that if a road fund were created it

[Mr. Cooke] would not necessarily bring in any more money. In the strict sense of the word that is true, but where it would bring in more money is that it would make the taxpayers more keen to contribute in extra taxation if they knew they were to get better roads, and in that respect it would bring in more money. Have you ever considered that only the other day a 25 cents increase was put on petrol by the oil companies. Supposing that 25 cents increase had not been necessary, supposing it had been put, on the petrol consumption tax, it would have brought in something over £300,000 in the road fund. To the average person an extra 25 cents is of slight moment, at any rate that increase did not raise much annoyance, but it would have brought in a sum of £300,000 or more, sufficiently large to guarantee the interest and servicing of a big loan.

Of course, there is the other point, which I might call direct revenue, which also accrues in the saving by travelling on a good road. It has been calculated in America, and it was, I think, first announced in this Council by a distinguished predecessor of the hon. Financial Secretary, that a good road has a saving of 25 cents a mile over a bad road. If you calculate 40 miles at ten shillings per car, and calculate that over the very large number of cars using the roads, you will get to a very large sum of money, and money saved is money gained. Another point is that the depreciation on cars—and many are American cars—and the replacement of spare parts would mean sending more dollars from this country, and we would save those dollars by having better roads. Therefore I consider that expenditure on roads is productive expenditure.

Now I come to the Development and Reconstruction Authority schemes, and I have got to take up my hon. friend rather strongly on this. I say, and I repeat it, and am going to quote from the development report, that there is a promise implicit in the development report that these works on development and reconstruction will bear fruit within ten years, and that they will add to the taxable capacity of this country. Either the gentlemen who wrote that report are to be trusted or they are not, but I regard a report like this which envisages

spending a large sum of money as being like a prospectus of a company, and if a false prospectus has been issued by the hon. gentlemen from the other side they ought to tell us before going any further—

MR. RANKINE: On a point of explanation, that prospectus was approved by all members of this Council, including the hon. member.

MR. COOKE: Exactly, that is the admission I wished to get. It has been approved and I accepted it, because the promise implicit in that report made me accept the report.

Never perhaps in the history of Kenya has such a galaxy of talent been gathered together as the gentlemen who were the authors of this report. May I read out their names—the hon. Sir Gilbert Rennie, the hon. J. F. G. Troughton, Colonel Marchant, Sir Reginald Robins, Major F. de V. Joyce, Lord Francis Scott, Mr. Hugh Hamilton—I had almost forgotten one, our hon. friend Mr. Arthur Hope Jones. I am going to ask the hon. Member for Commerce whether he disagrees now with what he put in writing, or whether he still accepts what he said, or whether he does not agree now with what was written? I do not want to bore hon. members, but this is from paragraph 13 of the Development Committee report: "The committee wishes to emphasize that a large portion of this loan will be directly revenue producing, and that such loan funds, together with the self-reimbursing loans mentioned in the next paragraph will be invested, for the most part, in projects calculated to increase the national income and not in unproductive works. The committee has assumed that revenue from taxation will at the end of the ten-year period amount to approximately 25 per cent more than that at the present time. This assumption is purely arbitrary, but does not appear to the committee to be unreasonable. Such an increase would be £1,100,000 above the present".

I am going to ask the hon. Member for Commerce whether he still holds that opinion—and I hold that opinion I might say—and if he still holds that opinion that is £1-million right away off the £2-million which is such a bugbear to my hon. friend. I can take another

[Mr. Cooke] million off, because my hon. friend proposes to put up expenditure to £28-million, which I think is a very good thing to do, which is practically double the £15-million proposed for the Development and Reconstruction Authority, and therefore if £15-million expenditure means more or less to increase the taxable capacity of £1-million, £28-million would more or less make a £2-million increase in taxable capacity.

The hon. gentleman looks puzzled. I have wiped off £2-million from this bill which the hon. gentleman has presented—perhaps he would like to interrupt me?

MR. MATTHEWS: Only to suggest that we should change places! (Laughter.)

MR. COOKE: I was quite unconscious of making such a suggestion!

The hon. gentleman goes on, and this is assuming something which I do not think he might have assumed, that if the present rate of increase on recurrent expenditure goes on, then our recurrent expenditure will be £2-million more at the end of this ten-year period. If the hon. gentleman thinks that, then he misunderstands completely the temper of this country, because we are determined that it will not go on at the present rate of increase, and we are determined, as our leader said, that we will start that good example this year by cutting out at least £100,000. I know that there must be some increase on account of commitments, but I do not admit that there must be the increase we see which comes from such items as personal emoluments. When the discussion of that aspect of the budget comes up I and others have got proposals to make. We accept the truism of Sir Wilfrid Woods that policy causes expenditure, but that does not mean that if a policy is agreed upon the hon. gentlemen on the other side of Council have a completely blank cheque. If we say that your policy is that there should be welfare in this country it does not mean that the hon. gentlemen can increase welfare officers to any kind of limit. That, I think, is a misreading of the Woods' Report.

Now I come finally to the subject with which I am not in agreement, I think, with a great many people on this side

of Council. That is the creation of a tax equalization fund. Why it is called a tax equalization fund I have not got the foggiest notion—I should have thought it was a tax relief fund. But apparently the object is to build up an amount of money, say £5-million, and to freeze it, put it into cold storage, only to be used if there is what they call a "financial blizzard". I do not believe there is any more likelihood of a financial blizzard than there is of an atomic bomb being dropped on Kenya! Therefore I am not unduly impressed. But if this money is going to be really set aside for the purpose which these gentlemen envisage, it must be more or less sacrosanct. The whole meaning of the word "fund" is something permanent, you cannot use it unless a blizzard strikes the country, and suppose the blizzard did strike the country, the blizzard that strikes this country will strike the whole world and as you, sir, know very well, in a blizzard of that nature a fund of £5-million, £10-million or £100-million has not the slightest effect.

I assume that this money will be invested, it will not lie idle in the bank, and I assume it will be invested in such securities as the post office savings bank money is invested in, and I assume that if there is a financial blizzard those investments will be depreciated in value, and £5-million will be worth about £3½-million when we start to realize it. So I do not think—I am afraid that I have not expressed myself clearly for I see the hon. Member for Trans Nzoia looking puzzled and wagging his head!—I repeat that I assume this £5-million will not be allowed to lie idle. Government must invest it, and will probably invest it in the same securities that the post office savings bank people invest their funds in municipal and other loans, and if a financial blizzard strikes the world that £5-million will become very much less than £5-million, and if you started to realize you will find it is down to £3½-million or £3-million. So that to me it seems rather a crazy suggestion to create this fund. (MAJOR KEYSER: You are a dismal jimmy, aren't you?) I do not think the hon. gentlemen on the other side, to whom I impute a great deal of intelligence, have the slightest intention of accepting such an outrageous suggestion!

[Mr. Cooke]

My hon. friend on this side said something about my being a dismal jimmy. I am anti-dismal jimmy. (Laughter.) I have been in this country for well over 30 years and have heard year after year about this and that going to happen to the country and that this and that thing will collapse. I have not seen it happen yet. Therefore, as a man of ordinary commonsense, I have to assume that the country will progress more or less as it has in the last few years. Now, thanks largely to my hon. friend the Member for Agriculture the agricultural produce of this country is rising to almost dizzy heights.

There I must take up my hon. friend the Member for Trans Nzoia, because at one moment he warns us against putting too much value on these exports because of the effect of inflation and at the same time he forgets that the value of imports has risen also by inflation, and therefore the one cancels out the other if you are going to use the argument of inflation. But there are no signs to me of depression. I went down to the coast the other day and I found most of the hotels booked up for the month of November, which is usually a month in which people do not go down to the coast. (MR. HAVELOCK: It is cheaper in November!) Cheaper in November, yes, but much hotter! (Laughter.)

I missed this when I was dealing with roads, but here is what the American Chamber of Commerce said the other day, and it is of some importance. The American Chamber of Commerce are very keen on lending money to the Colony, but the Americans are keen businessmen and go-getters and are not going to lend money to a Colony of dismal jimmies, because they are not dismal jimmies themselves: "The development of public utilities in Africa is essential to any economic, political or social development. For without adequate communications, port facilities, etc., any development of industry would necessarily be quite limited". Therefore, to my mind it is absolutely essential to develop our communications, and I would use some of this surplus balance which other hon. gentlemen want to put under their palliasses to keep warm in case there is any trouble later on. I would

use some of that for the development of communications in this country.

I think it is a terrible thing to see this wave of pessimism, which I do not think is shared by the majority of people in this country, but by the people who write to the newspapers and so on, because it is very different from the spirit which prevails, for instance, in Southern Rhodesia, and I will read just a short extract from the *African World* published last March which says of Southern Rhodesia: "It is short of manpower—more consciously short of native manpower than European—short of housing, short of materials, and so far as the bigger ideas are concerned, short of money. About the only things Rhodesians are not short of are enthusiasm and self-confidence". (Applause.) I say that that is what we need in this country. I personally welcome very much a courageous letter which appeared in to-day's paper signed by the hon. Member for Nairobi South, in which he states that, if people have not got courage, well, their passports are ready and they can leave this country. (Applause.)

I do appeal for confidence, because without confidence we will not attract the very people we want to attract to this country. They will say this is a country where there is a luck of what might be called the Delamere spirit. He took risks, and we have to do the same. It is no good looking round every corner for a boggy which really does not exist. (Applause.)

The debate was adjourned.

#### ADJOURNMENT

Council rose at 12.20 p.m. and adjourned till 9.30 a.m. on Wednesday, 30th November, 1949.

Wednesday, 30th November, 1949

Council reassembled in the Memorial Hall, Nairobi, on Wednesday, 30th November, 1949.

Mr. Speaker took the chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 29th November, 1949, were confirmed.

#### PAPERS LAID

The following paper was laid on the table:—

By MR. MATTHEWS:

Statement of assets and liabilities of the Colony and Protectorate of Kenya as at the 31st December, 1948.

#### STANDING RULES AND ORDERS AMENDMENT OF

MR. RANKINE: Mr. Speaker, before I move the motion standing in my name, with your leave and that of Council I should like to amend the motion very slightly. The first paragraph reads as follows: "That sub-rule (vi) of Rule 43 of Standing Rules and Orders be suspended, and during the present session of this Council, for the purpose of the budget debates, the following sub-rule be substituted therefor". I should like to omit the words "the present session of this Council" and substitute the words "the life of the present Council". The reason for that slight amendment is obvious, and you yourself suggested it should be made.

As hon. members are aware, there is a select committee which is in process of revising the Standing Rules and Orders. A draft has been prepared for the consideration of that committee and it is hoped that the new Standing Rules and Orders will be in force before the next budget session. In case they are not we suggest that it would be as well to make this amendment applicable in respect of the next budget session should it be required. I hope permission may be given to this amendment?

THE SPEAKER: You may put it in the form you have just done.

MR. RANKINE: Sir, I beg to move: That sub-rule (vi) of Rule 43 of Standing Rules and Orders be suspended, and

during the life of the present Council, for the purpose of the budget debates, the following sub-rule be substituted therefor—

"(vi) (a) No member shall speak more than once on any proposition before the Council, except in explanation or to a point of order or in the exercise of the right of reply. The person presiding may address the Council at any time.

(b) In a committee of the whole Council dealing with Supply; (i) the member moving the substantive motion in respect of any Vote or Head of the main estimates of expenditure shall not be limited in the duration of his speech on such motion or in reply; (ii) the Chairman may, in respect of any Vote or Head of the main estimates of expenditure, permit four speeches, by unofficial members, not exceeding thirty minutes each, provided that such speeches are relevant to the particular Vote or Head before the committee. Such permission shall not be granted unless the member desiring to avail himself of such period states his intention of so doing on rising to address the Chair, or unless the member subsequently obtains the unanimous consent of the committee; (iii) all other speeches shall be limited to ten minutes.

(c) In a committee of the whole Council dealing with Ways and Means; (i) the member moving the substantive motion in respect of any Revenue measure shall not be limited in the duration of his speech on such motion or in reply; (ii) except as provided in sub-paragraph (i) of this paragraph any member may speak on any motion for not more than fifteen minutes; (iii) no member may speak on any motion more than twice.

(d) In any committee of the whole Council; (i) the Chairman, after calling the attention of the committee to the conduct of a member who persists in irrelevance or tedious repetition, either of his own arguments or those used by other members in debate, may direct such member to discontinue his speech; (ii) should any amendment be proposed which, in the opinion of the Chairman, is submitted merely for the purpose of raising debate and thus evading Standing Orders, he may forthwith put the question to the committee, to be decided without debate, whether such amendment shall be allowed; (iii) when a

[Mr. Rankine] motion is made to omit or reduce any item of a Vote, and the question is proposed from the Chair for omitting or reducing such item accordingly, each member may speak to that question only until the question is disposed of, but in the debate reference may be made to other items in the estimates in order to explain or illustrate the question under discussion; (iv) each motion for an amendment shall relate to a single item in the particular Vote concerned and shall only be moved in the order in which the items appear in the estimates; (v) after the question has been put by the Chairman and voted upon, for omitting or reducing any item, no motion or debate shall be allowed on any preceding item; (vi) when it has been agreed to omit or reduce items in any Vote, the question shall afterwards be put upon the reduced Vote; (vii) when any item or Vote has been disposed of it shall not be competent again to debate the same on a new or subsequent item then under consideration, except for the purposes of explaining or illustrating the question under discussion; (viii) the committee cannot attach a condition or expression of opinion to a Vote, nor alter its destination nor increase any grant asked for."

The purpose of the motion is to amend the procedure for dealing with the Budget this year and in subsequent years. I had hoped that we would be able to adopt an even shorter procedure this year, and to that end I did circulate a suggestion. But I understand that it is the wish of hon. members opposite to proceed in the same manner as we proceeded last year, and therefore I am moving the amendment of Standing Rules and Orders on identical lines to what was adopted last year. Hon. members are all aware of the reasons for that and they are all aware of the particular sub-rule. I think I need not take up any further time in explanation.

MR. HOBSON seconded.

The question was put and carried.

#### DRAFT ESTIMATES OF EXPENDITURE, 1950

REFERENCE TO COMMITTEE OF SUPPLY

The debate was resumed.

MR. MATHU: Mr. Speaker, I would like to associate myself with the remarks

made by the previous speakers in congratulating the hon. Member for Finance on his very able and lucid speech. Personally I was most impressed by the speech of the hon. Member because it did demonstrate tremendous courage on his part in presenting the financial position of the country. I should like just to quote two passages out of it—two sentences which indicate this sense of courage and determination in presenting the Estimates before this Council. He says: "On this estimation, therefore, it is clear that while we are still in the fortunate position of having a buoyant revenue without any significant change in the taxation structure, our recurrent expenditure is rising fast enough virtually to absorb the revenue increment". The point there which I want to underline is that the hon. member did say that our financial position was not bad—in fact it was buoyant, and that it was not necessary to make any significant change in the taxation structure of the Colony.

The other sentence I should like to quote—a statement which I think was very courageous for the hon. member to say, and which of course is very true—is one which said: "It is impossible to develop, to go forward, without spending". That is, from the Member for Finance, a very courageous thing to say, because the hon. members on this side of the Council, for the three Budget Sessions or more, that I have been here, have always said that expenditure must be arrested and that no more money should be spent on this, that and the other thing, and actually that is the feeling of quite a number of hon. members on this side of Council.

I am on the side of the hon. Member for Finance, because I do not believe that we can progress in any other way except by paying more money on what we want.

I should like to take up the question of that expenditure. The hon. member I have quoted did say it would not be necessary to have any significant change in this taxation structure. There have been suggestions from hon. members on this side of the Council—particularly in the speech of the hon. Member for Trans Nzoia—that African taxation should be increased. There have also been suggestions that there must be an introduction of a graduated poll tax for the

[Mr. Mathu] African. Those two suggestions are suggestions that I have opposed all along in this Council and outside of it.

I have said, sir, that the African population of this country has been taxed sufficiently high and actually in many directions the taxable capacity of the African has been exhausted. I have also suggested that if there could be an economic survey of the African economic position to show statistically that the African economic position is better than I have been able to express in this Council, then there would be a case for an increase in African taxation. Now that has not been done, and the suggestion is arbitrary and unscientific, and in fact almost not on an economic plane but on a political plane, and it is for that reason I have said that I shall resist any suggestion of increased taxation on the part of the African, because I know that he is so poor that he cannot pay more than he is doing at the present moment.

If you look at the record of the detention camps in the country you will find that large numbers of Africans have been taken in because they have failed to pay their taxes. It is true that there have been in a very small measure a few who have evaded taxation, but that does not apply to the African alone—it applies to all those people who pay tax in any community. There should be no question of any person at all—an African or other person, evading taxation. We must raise taxes from all those who are supposed to pay them and I support any measure which would ensure that taxation among Africans and in all communities is properly collected.

Another point I would like to speak about on the African side is that I think a proper tax register should be kept. The hon. member did mention the Central Register of Inland Revenue but I am talking about a register in the native land units. Those registers I feel should be brought up to date. I feel that a number of people who are not on that register could be put in that register, so that we know from whom we can collect our tax. That is definitely a duty which should be done by those who are responsible, but beyond this point I do not feel that the African can pay more. I was accused by an hon. member of this

Council in a speech reported in the *East African Standard* of the 28th of this month in the following words: this hon. member suggested "that Mr. Mathu's statement that he would strongly oppose a graduated poll tax was a most irresponsible statement from a man of his type". Now, sir, the same person is reported as having said this: "Of the 'veiled threat' in the speech of the Member for Finance that income tax rates might be increased next year, he stated, 'I will oppose that increase tooth and nail.'" (Laughter.) Now, sir, is that responsible? In the same breath he says that, so there is something wrong somewhere. It is that kind of thing that we are faced with in this country. It is definitely right and proper that criticism should be levelled on the people and on individuals, but I suggest that logic is a very important subject in matters of this kind.

Another hon. member in the same paper of 28th of this month said: "The easy method of raising more revenue by putting a shilling or two on income tax was not sound policy". But it was sound policy to increase African taxation and even to pay for law and order. That is where I differ with the gentleman in question.

Now, sir, in regard to income tax I think that I will not go far wrong in saying that those who pay income tax in this country are the most lightly taxed people in the world. Fifty cents or sixpence in the pound is very small, taking into consideration that they are very wealthy people. I think it would not be very bad if they would pay more than they are paying at the moment, and particularly when the question of assessment takes so long. An hon. member said yesterday that it takes four years before a man can pay income tax.

MR. MATTHEWS: On a point of explanation, the standard rate of income tax in this country is one shilling, fifty cents in the £!

MR. MATHU: I accept that explanation—(laughter)! But I would say that one shilling and sixpence in the £ would not change the tenour of my speech, because I still think that is very low in comparison with the very high standard of living which is enjoyed by the income tax payers.

Now, not only has there been a suggestion of an increase of income tax,

[Mr. Mathu] but opposition has been vehement in the papers on the subject of a veiled threat. I have never seen any veiled threat in the hon. Member for Finance's speech that income tax would be increased, but it is clear that the fact that more money will now be paid into the public revenue is what causes these people to be so worried that they think that there is something wrong. I think there is something wrong. The hon. Member for Central Area, the hon. member Mr. Nathoo, was brave enough to say that he himself would not mind paying a little more, and I think that shows a very public spirited viewpoint. (Applause.)

The suggestion has been made that a higher income tax would prevent private capital from coming from abroad. It has also been suggested that an increase in income tax would lower production. Well, Sir, the same arguments could be applied in the case of the African, that if you increase the taxation of the African to the extent that he could not pay, not only will they feel very frustrated and not go out to work but you would have to enlarge your prisons to accommodate all the fellows who will not be able to pay their tax. It is true that the suggestion has also been made that this very heavy burden of taxation should be placed on his shoulders so that he should go out to work, and I should like to quote this passage which was reported in the *East African Standard* of 23rd November. They are supposed to be the words of an hon. member of this Council: "What do we get out of the five-million Africans in Kenya? It is practically negligible, and they have not done much in producing things for themselves, either. The only way we can get them to work hard is to put up taxation until they find it hard to raise the money unless they work for it."

From reading between the lines, it seems that the reason for taxation is not to enhance public revenue but to help the employers of labour. If it is argued that way I personally think that the African would oppose any suggestion of increasing his taxation on those grounds. But on the grounds of public revenue that is a separate matter. To say that the Africans do not produce things for themselves is, I think, again

not very logical. How can the African help in the European settled areas to earn profits for big business, and at the same time produce in his area? It is difficult. He cannot increase production in the areas where he is employed and at the same time increase production in his area. Is it possible? That is where the difficulty lies. If the African manpower is concentrated principally in their own areas, I am sure there would be increased production, but he cannot be in two places at one and the same time.

While I am on the question of production, I should like to say that I agree very, very fully with the hon. Member for Trans Nzoia when he said that we must step up production in the African areas and in other areas. I agree with him entirely, and I say that the African can help in increasing the productivity of the country. He spoke in glowing terms of the agricultural work of the African in these areas. There has been definitely a tremendous improvement, but I would say that the mechanics of soil conservation alone is not the beginning and the end of agriculture. We have to go further. I have said this in many public meetings, that in addition to soil conservation, terracing and so on, we must manure our soil and we must make sure we are growing the right crops. I suggested at meetings in the Central Province only last week that an endeavour on the part of Africans should be made to grow more cash crops, more economic crops.

Coffee and cotton have been quoted and they are the crops I think the African should grow. At the moment it is not too easy. There are restrictions, they can only grow so many trees and no more. I say that is of no use. We must get the African to grow coffee on a large acreage, as much as the land and the climatic conditions allow, and it is for the Agricultural Department and for those who know to help him to see that disease is kept away. I do not think it is right to say they can only grow 100 trees. One hundred trees will produce very little. It is a question of acreages. If I have 10, 20, or 30, acres and want to put it under coffee, I do not see why I should be prevented from doing so. It is possible for the Wachagga on Kilimanjaro, who are Bantu like the Kikuyu, Wakamba and

[Mr. Mathu] all the rest, to command a very good market in the world for coffee, I see no reason why we should not do it in Kenya.

It is encouragement we want from the Agricultural Department, and expert advice, generously given as it is given to the non-Africans. But the African is discouraged every time. How can we increase production under those circumstances? Rice, tea, pyrethrum, these are other crops that I should like to see Africans encouraged to grow and given proper markets for. The question of the prevention of disease is the negative side of leadership, which we ourselves cannot accept. It is positive leadership we want, and those who will do it in the Agricultural Department or elsewhere will be doing this country a great service.

The hon. Member for Trans Nzoia talked about livestock, cattle, and the like. I agree with him that we can improve the cattle industry of this country in the African areas as well as in other areas more than we are doing at the moment. He said that the way to do it would be to combine agriculture and cattle breeding and raising. That I think is a point worth considering, but there are other limiting factors on the part of the African to improve his cattle. Finance is definitely one. In the case of the Europeans the hon. member did say the direction and the finance are available. In the case of the Africans the finance is not available to enable them to do this business on a large scale. A committee I know has been sitting to find out the best way of helping African farmers in this way, and I do not suggest in the least that Government is doing nothing in this matter. Grazing is another limiting factor. In the African areas the land available for the African is limited. You do not have any person in the African areas possessing acreages in thousands as is the case with the other communities. If we had these it would be possible to graze more cattle and to produce more.

The other limiting factor is water supply. It is important for Africans who rear cattle to have proper water supplies, and these in many areas are very difficult because they all depend mainly on rain water. If you take the position now in the Central Province where the rains

have been very erratic for a number of years, the Wakamba, the Kikuyu and the rest of them, unless we have boreholes and plenty of water for these people, it is impossible for them to have cattle and to have them on a large scale. Also there has been some discouragement among some cattle rearing Africans that when fines are imposed, where the Africans have not got the cash fifty head of cattle is not uncommon as the fine for trespass if the cattle trespass on a settled area or on any other area. That is a very excessive fine and it discourages Africans from owning cattle.

Two more points on this question of increasing the national income of the country. The hon. Member for Trans Nzoia did mention that the domestic exports were something like £11-m. and of that he said £9-m. were exports from European areas and £2-m. from African areas. I would say that the £9-m. is a joint effort between the European, as a Director of the farm, and the African, as the toiling mass to produce the wealth of the Director. In that case the £9-m. is not a one-sided investment. It is an investment to which the African has primarily contributed, and he therefore has a foot in the £9-m. and another foot in the £2-m. So it may be more than £2-m. in that case.

The question of maize was a subject that was given a few paragraphs by the hon. Member for Finance in his speech, who said that Sh. 2/40 was to go to the maize farmer per bag as an encouragement to the producing of maize. That is for those who take maize in large quantities to the Control. That leaves out a large number of Africans, and at the various meetings I have held recently in connexion with the budget the African has complained that about this continued differentiation in the price of maize. They argue, and rightly, that maize whoever grows it, and if the quality of maize on an African farm is the same as the quality of maize on a European farm, I can see myself no reason why there should be any differentiation in price; I do hope the hon. Member for Finance will clear this point up in his reply because it is a point which is agitating the African mind very much in this country. That is also lined with the question of squatter maize, where the squatter is not allowed to sell his maize anywhere else except through the owner of the farm,

[Mr. Mathu] and the squatter thinks he could get a better price if he sold his maize in the open market.

To come back to my remarks on the expenditure estimates, the hon. Member for Finance, as I have said, did state that it is impossible to develop or to go forward without spending. It is true that expenditure must be incurred, but it is also true that we must see that the expenditure incurred of public money is done rightly and properly. That I think is quite a fair thing for people to expect. On the other hand, I agree with him entirely that it is definitely necessary that we should spend money on social services, and on what have come to be called productive services.

I should like to start my remarks with remarks on the Police vote. This vote has increased tremendously. I have been one of the very strong supporters of the police vote and police work in this Council every year, but this year I feel a bit diffident. I feel that the expenditure on the police vote has gone beyond all bounds. It is said that the main reason for this increase is that there has been an increase in crime, and that that increase is due to the African, and to nobody else. I should like first of all to deal with that, because it makes us very difficult to keep a clear mind when statements such as those are made publicly.

In the *East African Standard* of the 25th of this month, a member of this Council is reported to have said that the terrific expenditure on police is due to the African and to nobody else. Could that be true? Is it true that no other race in this country commits crime? Is there not one other person in the country to commit crime except the African? I am not suggesting that the African should emulate any other criminal. It has been part of my duty to bring home to my own people that crimes must not be committed, that it brings a bad name to the Africans of this Colony, and that fellows should not continue to break the law and commit crime. I have no sympathy at all with criminals of any kind, but I reject categorically that the terrific expenditure on the police is due to the African and to nobody else. I reject that, and no African would support a suggestion of that kind. We have the Prisons report, we read the papers, we know that other people commit crimes

too. I would be the last person to suggest that crime should be encouraged. Actually, the exaggeration has been taken further in the same newspaper. It is reported that 90 per cent of the crime in this country is committed by the Kikuyu. (A MEMBER: Hear, hear.) I am not one of the criminals, but to say that it is 90 per cent is entirely wrong. Where are the figures? How many criminals are there per head of the population in Kenya? (MAJOR KEYSER: 90 per cent.) I cannot see the sense of this matter at all.

So I say first of all that the police vote has not been increased because the African has been committing crime all round. Some have, but not every African. You have to-day, I think, some of the most decent citizens in the world among the African population. They are there. We find a few fellows coming into the towns and breaking into houses, but it is a generalization to say that all Africans commit crime, and it cannot be true. What I should like to know is this. I say that the present crime is not the main reason for increasing the police vote. I think there are other reasons, and it is those reasons which I should like to know from the hon. Financial Secretary. Is it because there is a policy, to suppress the African? Is it the policy to cripple the political development of the African? What is it, because I feel there is more in this than mere crime.

The hon. Member for the Coast yesterday made a remark that has been in our minds for a long time, that even in the administration the officers are becoming political officers instead of concentrating on more important work. I suggest that we can reduce the police vote in various ways. I suggest as one that the efficiency of the police should be gone into very carefully, because I do not think we should sacrifice quality for quantity. I think we can reduce the numbers and make those who continue to work in the department more efficient and more able and active in their work. I think also that we can reduce the vote by employing African clerks in the Police Department. At the moment there is no African civilian clerks in that department, and I think that if we can get them employed the salaries will be lower, and we can reduce the vote in that way.

[Mr. Mathu]

I should like to emphasize here that the African will not stand for the suggestion that he should be taxed in order to pay for the maintenance of law and order. Law and order is a matter for the whole Colony and not for the African alone, and if there is to be taxation for law and order we shall have to have special taxes for everything, and I think that is a principle nobody would support. We cannot be taxed in order to pay for law and order, we are not responsible. There are a few Africans only, but there are a few in every community, and the suggestion to increase the poll tax in order to pay for the police vote could not be supported.

I should like to make a few remarks on one or two other departments, and then I will finish.

I refer first to the Public Works Department. The Public Works Department is a very important department, it is a department which can help tremendously in increasing the national income of this country, and I think that one way which would reduce the Public Works Department vote more than any other is for them to increasingly employ African artisans. We have *fundis* doing excellent work, and I see no reason why the department should not encourage those people to take up employment with them. I have suggested this more than once, but I am not satisfied that the department is really making a tremendous effort to see that this objective is attained. The N.I.T.D. is producing, and is going to produce, first class men, and I do not see why the Public Works Department should not work in conjunction with that school and recruit African technicians of all types. That would save us importing technicians from other countries.

I should like to make some observations on labour. The hon. Member for Trans Nzoia was anxious because there was this African bottle neck of labour in production. I agree with him that there is great difficulty indeed in getting sufficient labour. There is, but I think that the reasons are that the economic conditions have changed so much that there will be very few Africans now to go out from their native land units to earn six, seven, eight, or even ten shillings a month, for they cannot live on that. That is one of the reasons why they cannot go

out, there is not sufficient attraction nor inducement for these men to go out and work hard, and they must work hard I agree.

The other thing is also an economic change in the whole matter, that the African has realized that in employment he has no security. Once he gets ill or infirm he is kicked out, and he does not know where else to earn his bread. He is only useful when he is able and strong and can go on earning his meagre wages, but if anything happens to him, old age and so on, he has nothing. I have suggested more than once that we should seriously consider introducing a social insurance scheme for the African, so that we can keep him at work. At the moment, the African has one foot in the reserve and one in employment, because he has only that piece of land to go to as his ultimate social security. But these fellows have fears that if they remain long in employment they have no economic future, and for that reason they would rather stay at home and see to the development of their land. I am not saying that that is what it should be. I should like the African to go out to work to develop industries and all that kind of thing, and I encourage it, but they ask me what they will get at the end. I have no reply. I cannot help in the matter.

I should like to make two points on the D.A.R.A. estimates. They are quite all right, and I have not very much against them, but I should like to emphasize—and I hope the hon. Chief Secretary will note this carefully—that I am disturbed about two items which come under D.A.R.A.—water supplies in African areas and roads. I feel that in the question of buildings some hon. members more competent than I am will make observations, but as for water supplies there is provision in the estimates year in and year out for supplying water in African areas, and the droughts which occur regularly have aggravated the position. I toured the Machakos and Kitui districts, and the water position is extremely serious. I say that if it is possible, if D.A.R.A. put their minds to it, to provide some relief for human beings and for the beasts in the most desiccated areas in this country such as the ones I have mentioned, and there are many others. It is a very urgent problem, which is facing the

[Mr. Mathu]

pastoral tribes in the most adverse manner. Look at the Mukagodo, the Masai, the Samburu, and the Kamisia, all cattle owning people, whose problems are water and grazing, but water is most necessary, and if there is a definite determination to improve the situation is it not beyond human achievement.

Roads is another matter. In the African areas the question of roads is a very big problem. I do know that local native councils are mainly responsible, but they seem to lack guidance in this matter. In wet weather the roads are impassable, and in the dry weather you swim in dust. Is it impossible for D.A.R.A. to give a guide to the authorities in the African areas for processing hard surfaces on their roads so that at least the main roads in these areas could be passable in wet weather? It is not only guidance in this matter that is needed, but more money should be devoted from D.A.R.A. for the hard surfacing of roads in African areas.

MR. RANKINE: On a point of explanation, the hon. member suggests that D.A.R.A. could give more money. D.A.R.A. is governed by the Development Committee's report. That was passed by this Council. It is not within the discretion of D.A.R.A. to give more money than is provided in that report.

MR. MATHU: It is a report, sir, as hon. members know, that I voted against, and that is one of the reasons why I did. So from my point of view the explanation does not affect me because the £75,000 in the D.A.R.A. report for Africans area roads is so small an amount that you cannot do anything much with it.

MR. RANKINE: In that case the hon. member ought to criticize this Council and the Government, not D.A.R.A.

MR. COOKE: On a point of explanation, surely the solution is for the Planning Committee to vote more money for African water and roads, for which the Planning Committee is now sitting.

MR. MATHU: I agree that I should criticize this hon. Council and the Government and not D.A.R.A., but I think Government includes D.A.R.A. so it is almost the same thing.

I would like to suggest to this hon. Council that this matter of the improve-

ment of roads in African areas is a very urgent matter. I have put a question in this Council and the answer was not satisfactory. I have toured these places and I have broken springs at almost every corner, and even now I have to send my car into the garage and many more Africans have to do that every day. I think it is a situation that we cannot allow to go on.

LADY SHAW: Not only the Africans, sir.

MR. MATHU: Roads, as the hon. Member for the Coast did say, and I supported him, are a productive service. Unless Africans can have good roads to put lorries on to get out the wattle, maize and other crops, how can we increase our exports and things of that kind? It is impossible. It is a productive service, and I seriously suggest to this hon. Council that this matter should be looked into very carefully, because it is holding back the economic development of the African and of the country. It is definitely holding it back, and I suggest most seriously that something should be done in this regard.

I should like, in sitting down, to say that I feel the budget we are discussing to-day is a budget that will help a step forward in the development of this country, and I would like to support the hon. Member for Trans Nzoia that it is not development by one particular community, it is development by the Kenya people as one community, and I personally know the Africans will come more than half way to co-operate in making this country a prosperous and go-ahead country comparable with any other country in the world.

I beg to support the motion.

MR. ERSKINE (Nairobi South): Mr. Speaker, after listening for one and a half days to a debate on very interesting subjects such as crime and taxation I, with some diffidence, would ask hon. members to unhinge—(laughter)—I mean to unhitch—their minds and return to the rather more pedestrian subject proposed by the motion of the hon. Financial Secretary to consider the draft estimates of expenditure for 1950.

Sir, to some it is called "Government Expenditure" but I prefer to refer to it as public expenditure, and I think that therein lies the explanation of a great



[Mr. Erskine]

deal of misunderstanding throughout the country. May I say first of all that I intend to support this motion, though in doing so I must make it clear that I am wilfully going against certain instructions that I have received from certain quarters in the country and in this town. Only yesterday I read in the *East African Standard* a suggestion that this motion should be rejected—that the budget should be sent back; the idea was I suppose, in more poetic language, that we should shatter it to bits and then remould it nearer to the heart's desire. I myself approve this budget in the main while reserving, of course, the right to criticize in detail. I think that what I have to say this morning probably falls under three headings.

First of all, I believe that reduced expenditure in a time of fairly buoyant revenues and, with a modicum of prosperity still existing, is quite impossible. It cannot be done until this trade recession we hear about has set in, if it ever will set in, in such a way that it is noticeable to the tax paying public. Secondly, I feel that there cannot be any cause for alarm or for trying to inspire alarm in the taxpayer while the percentage of our expenditure remains a fairly constant figure when compared with the national income. The two figures have risen in proportion, and the percentage remains the same year after year. Unfortunately I cannot go too far back in making that statement, because we have only had the figure of national income fairly recently. Thirdly, I must say that the tempo of development must at all costs be maintained.

In approaching the 1950 budget, on one side I feel that I am urged to approach it as a disgruntled shareholder screaming abuse from the back of the hall, whereas my own inclination is to approach this budget more as a fairly responsible fellow director. (Hear, hear.) Speaking then, sir, if I may, in that capacity, I would say that I would not under any circumstances ask for any reduction in any department unless at the same time I could indicate which activity of that department could be reduced or dispensed with altogether. (Hear, hear.) If I were to make any such suggestions—and maybe I shall later on when we go into committee—then I will appreciate and understand

that if disaster follows the abolition of some Government activity at my suggestion, then I shall be responsible and be willing to take my share of the responsibility. (Government applause.)

I gather that there is some consternation throughout the country at the alarming upward trend of the national income, of the alarming upward trend of the receipts from taxation. Now, sir, here is a statement—it is headlines in a paper—which reads as follows: "For every £1 in 1939 the country to-day is spending more than £3 10s. now". I, in my childish way, have written the phrase "So what?" after that.

In 1939 it was my great complaint and a complaint among all my friends that nothing had been done to develop this country of ours. Early in 1940, at a very dangerous time in the history of the British Empire, it was appreciated at home that something had to be done, and we all cheered and were most enthusiastic when we were told that a large sum of money was to be set aside for the development of the colonial territories and dependencies after the war. Later on when the war came to an end, we heard that we were to receive a subvention from this fund—I believe it was £31-m. direct and another sum to be shared with the other territories—and that this was to come from a fund which had at that time been named the Colonial Development and Welfare Fund. We did not reject that money even though the word "welfare" appeared in the title of the fund from which the money came. We accepted it, and to my mind we must therefore go ahead with our policy of development along the lines which were thought of in that difficult year, 1940.

Sir, the development of this country and its expansion by three-and-a-half times therefore, during the last nine years, does not seem to me to be anything extraordinary. In one's own private life, in business especially, we have seen something like a threefold, fourfold, or even fivefold expansion in most industries and in trade. That can be proved very easily by examining the figures of imports. For, comparing the 1939 imports as they are available to-day—anyway for the first six months of the year—you will see that the increase is well over three-and-a-half times.

[Mr. Erskine]

When the war came to an end, I noticed that throughout the country, and especially in one's own business, that overhead expenditure had not kept pace with the advance in business done, and that I think was something to do with a sort of urge during the war for keeping expenses down. But in the years which immediately followed, 1946 to 1948, there was a tendency for expenses to catch up with the general trend of development, and I therefore regard the increased expenditure each year in our Budget as something which is natural and will probably, I hope, come to an end when it has caught up with development as a whole.

Sir, the position in this country sometimes looks very difficult when we examine clearly the material aspect of our external visible balance of payments. In a country like this I hold and maintain that it is very easy to take a very much too materialistic outlook and a very much too parochial outlook, and I think and I hope hon. members will agree with me that when we examine our visible external payments that, whether we like it or not, no matter what our pride dictates to us, I am afraid that we must take the High Commission territories as a whole instead of piecemeal. We are so closely bound to them, and I will explain what I mean later on if I may.

Now, if we take the external balance of payments for Kenya alone for last year, you will get a shocking adverse discrepancy of something like 46 per cent, but if you add together the Kenya, Uganda and Tanganyika imports, and compare them with the Kenya, Uganda and Tanganyika exports, the adverse balance falls from 46 per cent to 25 per cent. So that the overall position, though it still looks a little grave, is not nearly as bad as it would be if we were to take the more parochial outlook. In developing territories such as these it is quite obvious that there is bound to be a grave dis-balance for a very long time. I know that this has been explained very much more ably than I can possibly do on very many occasions, and I only draw attention to it because a lot of people do not seem to remember what they have been told, nor do they seem to want to understand the position.

I spoke just now of the parochial outlook. Now there is one aspect of invisible export to which I want to draw particular attention on this occasion because of the great thing that is to happen to our town of Nairobi during the coming year.

The City of Nairobi, as it will be next year, by reason of its geographical position and by reason, too, of the excellent work done by its leading citizens during the past fifty years—(applause)—has put itself in a position where it is able to earn quite a big invisible income for this country as a whole. This money is drawn from the surrounding territories by giving services to the surrounding territories. There are not any groundnuts in this country I believe, but if you go down Jackson Road you will see, that the Overseas Food Corporation have an office in this town. That means that this town is providing a service of some kind for the groundnut scheme, and this town is being paid for that service. That just gives you an example of what I mean. If you want to look for other examples you will find that the head offices of all the big inter-territorial banks and commercial concerns, are mostly in Nairobi. That means that a big uncalculated and incalculable income is being earned every year by this town of Nairobi, and that, if for no other reason, seems to me a good reason for supporting this town in every way possible.

Is it possible to reduce expenditure while revenues are buoyant? I think it may be possible, all things are possible, but it would be a very difficult thing to do with the agreement of the people. To a certain extent it can be done by kidding them, by fooling them; but you cannot fool them all the time. You say to a man in the street, "Are you in favour of reducing Government expenditure?" and immediately he will answer "Yes", because, without giving the matter too much thought, he will imagine that Government expenditure is what?—The salaries of Government officials, just civil servants maintaining themselves in the state to which they are accustomed. That is all he will think of, but if we change the word from Government expenditure and call it public expenditure, and explain that a cut in public expenditure will have the immediate effect of putting up the school

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fees for his children, of making it impossible to draw that fifteen shillings a day when he goes to hospital, and moreover will probably mean the holding up of the road programme and the crippling of agriculture, and a few things of that sort, then he will take a very different view. He will say "I will, in that case, only agree to a reduction in what you call public expenditure if you can show me very clearly that there is absolute necessity for it, that the money is not there, that the alternative would be to increase the burden of taxation to a crippling level; but if you say to me, there is no question of increasing taxation, it is just that we want to cut down expenditure so that we can put more money into what is called a surplus balance at your expense than I think on every occasion Mr. Citizen would say "No, I would rather not do it".

I said I would not say anything about taxation, but at this stage I must just mention one item. We have got surplus balances. Where did they come from, these surplus-balances? The income tax figures for those three or four years when we were earning surplus balances were not very high, but the figures of duty collections were very high indeed; so I must say that in my opinion the money which accrued to make up these surplus balances came from the pockets of the housewife, because, as my hon. friend opposite once told me, it is the housewife who does 80 per cent. of the spending. Therefore I must insist that when we come to the next step, the Committee of Ways and Means, if any remission of taxation is discussed then I must insist that, if we have robbed the indigent Peter we cannot give the money back to the affluent Paul. (Laughter.)

Once again, there is, I read, a great demand throughout the country for a reduction in Government, or as I call it, public expenditure. That is not my experience. May I say that the exact opposite is my view. I believe that the majority of people in this country want to increase expenditure and not to reduce expenditure. I have got numbers of documents of all kinds, some asking for better medical facilities, for cheaper education, and a very long and very interesting document, which I feel very much like supporting myself, demanding a general overall increase in every-

thing to do with Government expenditure on agriculture. Then we know that everybody is pressing for better roads. At this stage while we—I speak now of businessmen—are thinking of way and means of increasing our businesses, of improving all round our activities, of adding to and not subtracting from our activities, of spending more and not spending less, I for one cannot conceive why there should be any suggestion that Government should cut down. I want a well staffed Land Department, and so do a number of my constituents. We have got work for them to do. Any suggestion that they should be hamstrung at this stage so that they would not be able to do the work, I could not agree to. I want to try and help Government departments, the servants of the State, to be able to do their work better, and should there come a time later on when there really is a trade recession, then we shall, very reluctantly, have to think of cuts. But there is no virtue in cuts merely as cuts. They are something which are, occasionally, in the history of a country, inevitable.

All the demands that have come to me for increased expenditure are to my mind extremely sober and well reasoned, and my natural instinct is to support them in every way. I believe that the voice of public opinion comes to us in the form, at this stage, of demands for better services from Government, increased efficiency and, inevitably, some increase in expenditure. I do not believe that we can at this stage, when prosperity seems to be levelling off, increase, but I believe that if it is shown year by year that our national income and our production increases so, proportionately, we shall have to accept, and this willingly but carefully, an increase in expenditure each year. I am no prophet, I cannot tell whether the national income will increase. All I can say is that in my own personal experience, if you put capital into a business, if you do it wisely and use it to develop wisely, there will be a big increase in revenue. If you do it stupidly and badly, there will also be some increase but not so much. But practically always capital pumped into a business or country must yield some thing in the nature of returns. (Mr. BLUNDELL: Groundnuts!) (Laughter.)

[Mr. Erskine]

I was looking round and trying to find in correspondence from the public and in the Press suggestions as to where it would be possible to make a cut in Government expenditure which would be acceptable to all. On occasion I thought—and I hope it will offend nobody—of the Immigration Department. Then I gave that up at once because the sub-editor of a local paper in whom I have very great confidence indeed reported recently that, "whereas it takes two minutes to get into England, and possibly even less to get into France and Italy, it took me three-quarters of an hour to enter Kenya. No reflection attaches to the immigration officer himself, who worked like a Trojan and with the greatest cheerfulness and courtesy, but there should have been more officers". (Laughter.) It would be irresponsible if I was to go round asking for more officers, but I am expected to listen to demands from all round for some officers and then to come to this Council and demand a ten per cent or £1m. cut in the budget. That postulates in my opinion a belief, possibly an unwarranted belief, in Father Christmas, because that sort of thing cannot be done.

The piece I want to read you which has inspired a little of what I have to say to you to-day, is the leading article of the *East African Standard* of the day before yesterday: "In the present case, the issue seems to us to be clear. This is a Government budget. It has not found favour with the public. If, in their view, it is at variance with the public interest, or if the money is being wrongly spent, it is the duty of the opposition to say so without equivocation and to return the budget to the Government for re-drafting more nearly in accordance with the wishes of the unofficial majority". On the "very next day we start getting down to details, you see, and we get what I hope will be some helpful suggestions. The leading article of the next day reads: "Some of the social services—and again education is the best example—". I got very thrilled there because it is just what I have been looking for, a service which we can abolish altogether. Alas, I found that inefficiency exists in other departments as well as Government departments, even in the proof-reading departments of our newspapers! (Laugh-

ter.) Because apparently it was not education at all, but education. "The education vote, already a large percentage of the national expenditure, will probably be even greater next year. So, too, may the medical services and the police vote, and the cost of the Department of Agriculture. If the country is to progress, if the resources, human and material, are to be properly developed it is inevitable that some sections of the budget should grow with the growth of the Colony."

I am looking now for advice and assistance to find those sections of expenditure which can be cut. I do not think I shall have to look for long. Here comes the advice: "Many projects may well have to come under review—such things, for example, as whether it is necessary to spend more than £100,000 on a suburban road to Limuru; whether the new Girls High School standard is one we can continue to afford." (LADY SHAW: We cannot!) I am thrilled at the idea of pulling down the Girls High School and pulling up the road to Limuru, to put that money into the taxpayers' pockets so that this money can embark on an orgy of fructification! (Laughter.) Alas, I have said enough to show that when it comes to assistance in reducing expenditure this year I shall have to rely more or less on my own inquiries and careful examination of the figures given to me.

There is one other question I have not mentioned, and that is welfare. The newspapers and speakers on this subject have all spoken of social services, and some have recommended a cut in expenditure on welfare. It may be that possibly in this new science of social welfare there may be some wrong expenditure, some wasteful expenditure. I do not know. But I do believe that because of that word "welfare" in the name of the fund initiated in 1940, the Colonial Development and Welfare Fund, we are more or less bound to study the subject of the welfare of the people, we are more or less bound to allocate some proportion of the country's income to the subject of the welfare of our people, because if we did not do so it means we believe they do not need any further welfare. I feel sure that we must try and understand and appreciate this, we cannot eliminate it altogether. I think people as

[Mr. Erskine]

As a whole, the public would probably agree too when we begin to realize what it would mean if we cut out welfare as we know it to-day.

I listened to Mr. Oliver Lyttleton in the House of Commons on the 14th July, and he said that at the end when the tally is struck the welfare state could guarantee its citizens everything except food and work; but, while we all have food and work, meaning employment, we do not worry about it. The time may come when food is short, and there may be even unemployment, which I hope will never come; but if it did become necessary to reconsider expenditure then, on the grounds of welfare, we should want to devote more of the country's resources to providing those things which, even in our materialistic world, are still even more important than food and employment.

I have one brief criticism to make, and that is in connexion with the Development and Reconstruction Authority. I have been in this country now for 22 years, and I have seen development going on all the time up to 1939 with no assistance at all, but still we developed. Since then development has gone on at an increased tempo. When does development cease? At the end of the ten-year period, in 1956 is it? In 1956, the master builder lays down his trowel and says: "That's Kenya boys, it is all yours?" (Laughter.) I believe development will go on, and for a very much longer time than that. I believe it will go on for years and years and years until, perhaps, the millennium is reached.

If development is to be a permanent feature in this country, and I suggest it is going to be a permanent feature, then I do want heads of departments of Government to regard development as part of their normal functions, part of their normal duty. (Hear, hear.) I think that perhaps I may have an opportunity later on to say more about this, but just to relieve everybody's suspense what I really mean is that I believe the time has come to down-grade the Development and Reconstruction Authority to the status of merely being a planning committee and, of course, a priority authority, for looking after planning and priorities. I believe that heads of three

departments required to build a hospital, to build a school or a prison, should go ahead and should ring up the Director of Public Works or whatever the procedure is and get on with it in their own way.

I have said that development in this country will go on and on. We shall never be satisfied, because it is not in human nature to be satisfied with anything. I know that in my own lifetime—and I have been given a 15 years expectation of life by my hon. colleague the Member for Nairobi North—(laughter)—I know that I shall not see the end of this development, but perhaps we can do a lot to get the thing started properly, and in that connexion I recall some words of a poet whose name I have forgotten:

"Improve the best. So, may our sons  
better what we have bettered once."

Council adjourned at 10.55 a.m. and resumed at 11.15 a.m.

MR. USHER (Mombasa): Mr. Speaker, in rising to support this motion I should like to mention that this is my first budget speech, and I have neither the experience nor the intention to range over the whole field of revenue and expenditure. Rather I propose to confine myself to two points and perhaps to emphasize what has been said about them by my hon. friend and leader the Member for Trans Nzoia.

May I also say before I start how much I enjoyed the forthrightness and the pawkiness of the speech by the hon. Member for Finance: One felt, even when he was being rather naughty, that he did it, if I may use the Chestertonian phrase, "with urbanity of manner and unconsciousness of sin". Most of all perhaps did I enjoy what he had to say about the collection of income tax, because that will put fresh heart into many broken-hearted citizens and will, if there are results from the official view which he has expressed, enable us to have a more realistic view of our revenue in this and future budgets.

I should like to ask him, however, to go to a little bit further in his reply on the question of income tax. It has been said already that the knowledge, or belief, that income tax will not be increased will be a great comfort to those who are already in this country, and I should like to add that it would

[Mr. Usher]

be the greatest possible encouragement if there could be a declaration from the Government that there was no intention to increase the tax. It would bring in very much hesitating capital. Of that I am quite sure.

Now let me pass from revenue to what the hon. Member for Finance described as a more congenial subject—that is expenditure—and I hope that I shall be able to give to my hon. friend the Member for Nairobi South at least one helpful suggestion. I do not suppose that a year has passed but the Central Administration—which sounds so much better than the Secretariat—has come under fire at the time of the budget. I propose to make a few remarks on the subject and to reinforce, if possible, what the hon. Member for Trans Nzoia has already said on the subject of top-heaviness. I had come here prepared with a sheaf of figures with which to prove my point, but I feel that perhaps they will be more appropriate at a later stage. I feel that I shall have really sufficient ammunition by that time to make the holy portals of that ivory tower, the Secretariat, shake like a jelly—(laughter)—and I am sure that the hon. Member for Trans Nzoia will assist me and will be able to put his foot down! (Laughter.)

I read very carefully the remarks that were made at the time of the last budget about the Secretariat and its uses. I notice that whenever it is attacked the swords of the ministers just leap from their scabbards. The Member for Commerce and Industry led off last time and he spoke of the uses of the Secretariat, and how the administrative officer, who was a "maid of all work", could not be also an expert in all departments. They used to be, Sir; they are no longer, and I shall leave it at that. I ended by reading the hon. Chief Secretary's remarks with the close attention which they deserve, because he stated that of course the business of the country had become much greater and had also grown a great deal more complex, and he developed a theory that the Secretariat must—I think I am right in saying so—increase in proportion to the volume of business. That is not quite such a clear saying as it appears and I had to try to search my ideas on this subject after reading what he had to say, and I am afraid that I

failed. I took refuge last in these words, which will be very familiar to hon. members: "I gave her one, they gave him two. You gave us three or more. They all returned from him to you, though they were mine before", and that is the substance I think of the argument. (MR. RANKINE: And so what?) (Laughter.)

I should like to say that in going on about the Central Administration, *et ego in Arcadia vixi*, I also have lived in Arcady. (Laughter.) At the time when I was there it was the old place that got burnt down later. I remember particularly—and I feel I must relate this parable—that we had a visit from the head of civil aviation in England. At that time I was a humble section officer of B section, which used to do finance. (There are rather more people, and certainly more distinguished people, doing finance now.) Also, as a spare time job I was, I think, Minister of Aviation, and we had all this business of making regulations, borrowing them from here and there and trying to make them stick together, but the thing I remember chiefly is that the Director of Civil Aviation congratulated me very warmly on the work achieved. I felt that my foot was already almost on the slippery slope to promotion. However, he added that while what we had done was stupendous on paper, there were no ground facilities whatsoever and no means of keeping aircraft flying in the air. (Laughter.) That is my parable.

It is very easy to abuse that institution. I know that if I go there I shall receive every kind of courtesy and help from people of very high intelligence—(applause)—as indeed I have. I also know that the midnight oil which they burn is nobody's business. Nevertheless I have a feeling about that institution, and I was trying yesterday to find a word for it. I searched my mind for something in *Henry IV*, both Part I and Part II, but I had to reject what I found because this honourable chamber is not the Boar's Head Tavern, so I shall have to confine myself to saying that I still feel, in spite of all arguments, that it is a hydra-headed harpy.

I see, on looking at the memorandum on the draft estimates, that the hon. Chief Native Commissioner—not the present one I think—was hoping to bring

(Mr. Usher) up the number of district officers to 150. I think there are 139 provided in the present estimates. Now, admirable as that may be, I find what is said in the memorandum a little less convincing than I had hoped. For what reason are these officers to be so increased? They are to be increased in order to provide for absence on leave and to provide further for secondments. Now, if every department is to be brought up to full strength so as to provide for absences on leave, all I can say is that we cannot afford it. It is a counsel of perfection. As to secondments, that part of it ties up with what I have already said, for I feel—and I am sorry to say it as an old member of the Administration—that the Administration has suffered a decline.

I doubt whether anybody will dispute with me when I say that the district commissioner has largely lost personal touch with the people whose welfare it is for him to promote. What is the reason? The reason is that he is, in the homely phrase, snowed under with planning and with reports. Why the reports? Because the Government requires them. Why does the Government require them? Because the Imperial Government requires them. Why does the Imperial Government require them? Because the common man who owns us to-day must know everything and mind everybody's business but his own. Whether that can be cured I do not know, but I think we should try to cure it. We can see what has happened at home under this régime. There has been what may be described as the heyday of the Government service, but I do not think that the experience of England, which has been brought so near to financial disaster, will confirm in theory that the number of bodies is related to the efficiency of the services which they are supposed to provide.

Merely we have here in Kenya a time lag. We have not yet run up to the numbers that are proposed, and I am appealing to hon. members on both sides of the Council to call a halt. Courage, we have been told, is needed, and I agree. Courage even in spending, but not in spend-thrift spending. Let us go forward and be very courageous in the right way. Courage, as described by

Barrie, whom I shall cite also in my last remarks, is the lovely virtue. Without it we can do nothing.

But there is a tide flowing, and the flowing tide which brings in ever more bodies and souls into this service may, if we do not watch it, create a mere pen-pushers' paradise. Therefore I ask hon. members on both sides of Council to recognize this danger and to dam the flowing tide.

I beg to support.

MR. JEREMIAH (African Interests): Mr. Speaker, in rising to support the motion I regret that the hon. mover did not find it possible to fulfill all the needs and wants of the infant which he described. As is well known, the sum provided are not as adequate to meet his demands.

When we come to the increase in the police vote, which has been very much criticized, we find that it is not due to an increase in crime, but mainly to remedy the deplorable housing conditions in which members of our police force are housed, and secondly to the increasing population which brings in more crime. Also, there are laws which almost make people break them. I refer particularly to the law regarding assemblies. It is not possible for anyone to meet nowadays except by getting permission from the police or in the native areas from the district officer or the district commissioner, and it is necessary for the Administration to post police in almost every corner to see that such law is not broken.

When we talk about crime, I object most strongly to remarks made that the African part of the population in this country have no public opinion in regard to criminals. I think that Africans especially have very strong feelings against criminals, and if it had not been for the introduction of western civilization there would not be the crime there is now. Our ancestors knew better how to deal with criminals than at present, and it should be well known that we have a strong feeling, and still have, and are actually trying our best to discourage crime.

Mention was also made that people who commit crime should be made to pay more by way of taxation. I believe that the African is paying more than what is perhaps recognized by this honorable Council. Africans, apart from

(Mr. Jeremiah) paying direct taxation, and this is shown in our draft estimates, pay for their law and order in the native areas to the tune of £54,000 a year, for public health £56,000 a year, for education £150,000 a year, as well as £8,000 for social welfare. That is over a quarter of a million for these services, and we still pay to the main revenue of the Central Government. Therefore the African is paying very much more than is realized, and not only in cash but in kind, because we build our own schools and maintain them, we do almost everything in the primary schools, as well as dispensaries. For that reason I think that Government is only helping those who help themselves, so that when we see an amount in the draft estimates for social services we know that it is only a fair contribution from Government to us.

I am glad to hear of the progress made in the native land units, and I am going to add a tribute though perhaps in the wrong quarter. I would pay a tribute for that progress to my hon. colleague Mr. Mathu, who has brought it about through the officers in the field. Through the hon. member's insistence that the African should be approached in a humane way, the officers in the field understood him, and for that suggestion the thanks are due to the hon. member, and I am very happy. It is not only confined to agriculture but to everything in which the Administration takes part, and because of their approaches in a humane way progress has been very great.

With regard to the administrative officers in the reserves, it has been said that they have hardly got time to keep in touch with the people in the proper way, on foot. I believe it is not the fault of the administrative staff but is mainly due to the fault of this Council in introducing some Ordinances which, in my view, are not at all necessary. It is also due, perhaps, to lack of interest or too much other work so that the administrative officers in some cases tend to neglect their proper duty. They just issue summary instructions with regard to how a thing should be done, to the chiefs. I have a case in which an administrative officer issued an order that in case of trespass in townships the goats instead of being impounded should be killed, and that is

rather unfair. The proper way is to hear the case properly of the accused person concerned. Also some people have been arrested and put in prison, but fortunately their appeals have been allowed, though unfortunately they had served part of their sentences and no compensation has been paid to them. We still view with great regret and dismay the position of administrative officers who are supposed to administer the laws and yet are the same people who administer justice. The number of magistrates should be increased in the country to get over this difficulty.

With regard to labour generally, it has been said, perhaps not in this Council but elsewhere, that the African's work and output are not what they used to be. It is not a convincing statement to me, as I know that in agriculture a man is supposed to do a set piece of work which is completed in a day; if not, he is not paid for it. Has that set piece been reduced? If not, how can it be said that the output of the man is lowered? As my hon. colleague Mr. Mathu said, a man is not attracted out to work because he is not provided with facilities for his future security at all. We therefore should impress on employers that if they want better service from Africans they should provide for their future, because it is not fair that after a man has worked for years and his ability becomes impaired through old age or accident that he should just be thrown away.

Government, I believe, will spend more money for development, and there can be no development without money, and the African pays his fair share, and I am glad that no suggestion has been made to increase the African's taxation, directly or indirectly, by Government, although the suggestion has been made by non-officials. Such a suggestion is not to enhance the public revenue but to force the African out of the reserves, and if it is for that purpose we shall oppose it tooth and nail.

I beg to support.

THE MEMBER FOR COMMERCE AND INDUSTRY (Mr. Hope Jones): Mr. Speaker, I am somewhat reluctant to speak at the present time after hearing such a galaxy of talent on the other side. We have been described as immersed within an ivory tower; it has been suggested that the swords of members will flash brilliantly

[Mr. Hope Jones]

from their scabbards; again, that this country is in danger of becoming a pen-pusher's paradise; finally, as far as I could gather from the words of the hon. Member for Nairobi South, it appears that we may reach the millennium through the Public Works Department! (Laughter.) The standard of this debate has been high, in my opinion, and I apologize because I fear that I am going to drag it down to earth, as far as I am capable of doing so. There are, however, only two or three points on which I wish to speak.

First of all, I would like to enlarge just a little on the point made by the hon. Member for Trans Nzoia dealing with the balance of trade or the balance of payments, and the way that point was taken up by the hon. Member for Nairobi South. It is perfectly true that we in this Colony, as the hon. Financial Secretary said, should be concerned about the balance of payments and the balance of trade as it affects Kenya alone. We should be concerned, but that is not the whole story. The hon. Member for Nairobi South was entirely correct in pointing out in this matter that we must take the East African view, we must recognize that for the last several decades East Africa has had a common currency. I do not think I need enlarge much on this point except to say that unless by and large over the years the East African balance of payments had been in rough equilibrium then there would have been somewhat disastrous results, and that the East African shilling would have lost value as compared with other sterling area currencies or, if that had been avoided, the only remedy applied would have been for a drastic withdrawal in the amount of currency in circulation and a tightening of credit facilities generally; that is, over the years, not in any one year, over the last several decades, and if by and large the balance of payments as between East Africa and the rest of the world were in serious disequilibrium then either the East African currency would depreciate or the amount in circulation would have to be reduced. That is a fact. It is not a matter of argument. It does not mean, of course, that such a process could not occur.

Having said what I have said, I do not wish to mislead hon. members in any

way by suggesting that the eventualities could not take place. That is why it is so vital that the balance of payments position between the East African territories, the rest of the sterling area, and the rest of the world is constantly watched. I agree entirely with what the hon. Member for Trans Nzoia said, that it is essential that production be increased and exports be increased, because the value of currency is in the final analysis based on the belief that people have in the capacity of this territory or any other territory to meet its obligations. That is why I said the key to the balance of payments is the trend over a period of years. It is not whether there is an exact balance of trade in any one year between these territories collectively and other territories. It is whether the rest of the world, our creditors, those people to whom we owe goods and services in one form or another, believe we can meet our obligations, and that is dependent upon the productive effort of this country and the other East African territories, and nothing else.

Now the points made by the hon. Member for Nairobi South do not need enlarging upon. Nairobi is a great economic factor in these territories because it is the serving centre for most of the productive enterprises of this part of the world, and for these services it earns money. Then, Sir, just as in the United Kingdom the wealth of, shall we say, the South Lancashire coalfields benefits the Port of Bristol indirectly, and shall we say, the agricultural wealth of Norfolk benefits the industrial areas of Yorkshire, so in the white highlands the European enterprise of this country benefits the African in Uganda or the African in Tanganyika. Just so, do, shall we say, the crops grown by the Buganda in Uganda benefit Kenya? Where one has a monetary union there, at least in my opinion, one has productive enterprise all over the territories benefiting each and every community within the union. I do not think I need labour this point further.

There is one other point I would, however, like to deal with, and that is the point raised by my hon. friend the Member for the Coast. He referred to a document which has been referred to by distinguished persons who were in the past members of this Council as "the

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Yellow Peril". It has also been referred to in factual terms, and has also been referred to in realistic terms, and that is what I propose to do to-day. I do not propose to draw somewhat far-fetched analogies between boards of directors and shareholders. I will content myself, first of all, by reading out, if I may, a very short paragraph from the Development Report and that is paragraph 8: "The duty of co-ordinating development plans is one of the functions of the Development and Reconstruction Authority and the Committee makes the assumption that during the ten-year period covered by its report revision of development plans in the light of changing circumstances will be necessary." To meet that eventuality a Planning Committee was appointed. That paragraph is there for everybody to read.

It was drawn attention to by hon. members on all sides of Council when this report was debated, and I would suggest that when you have an entirely necessary proviso of that sort placed in the report, it is somewhat foolish to suggest that a body of disinterested, hardworking and, I would say (leaving out a certain number of officials who did not then "belong" to the country, such as myself), knowledgeable men who were doing their best to lay down as they saw it the broad outline of a plan which would increase the national income of these territories in the shortest possible time for the benefit of all were misleading anybody. No plan is infallible. That is why there is the proviso I have just read out, and in fact I do not think it is arguable that for the comparatively small amount of money spent already that there has not been some increase in the national income.

The hon. Member for the Coast referred in his speech to certain statements ascribed to the American Chamber of Commerce in New York, a report which I read in full, and which I cannot believe the hon. member did; otherwise I do not think he would have quoted it out of context. He referred to the importance of putting in these basic services such as railways and roads without which it is impossible to increase the national income beyond a certain point. Those are the basic services—water, roads and railways, you can all think

of others. Well, sir, the Development Committee recommended very large expenditure indeed on all these things. The Development Committee was perfectly well aware that when one builds a road, unless one has a toll charge one does not get straight away the interest charges on that expenditure. However, the Development Committee, and I say it advisedly, in its wisdom decided that those services were essential, and that without those services, properly planned and with due regard to priorities without those services there could be no increase in the national income, and I would say that, taking into account the continuing decline in the value of money, which has been a very big factor over the last three years, taking into account the fact that for the first two years there was a shortage both of equipment and men, taking into account all these factors I think this report stands the test of time as well as any other report that at any rate I have been associated with. I was going to say any report that hon. members have been associated with, but perhaps that is going a little too far.

I do not think I need, therefore go into any great detail about paragraph 13, to which the hon. Member for the Coast referred in some detail. I did not quite follow his arithmetic, although I am sure it was correct. As far as I can gather, the point he wished me to agree to was, do I agree that the revenue will increase in proportion to the money invested? Well, I signed the Development Report and certain recommendations were made which I considered, as other members did, should be revised in the light of changing circumstances. Given that proviso, I have no doubt at all that the Development Report, if and when carried out with due regard being paid to the fact that the Development Committee recommended expenditure not so much on social services, desirable though they are, but on measures calculated to increase the national income, if those conditions are carried out, then I have no doubt at all that both the national income of this Colony will increase and so, consequentially, will the revenue increase. That I have no doubt about. Other people may have.

I do not want to detain hon. members much longer. There is, however just one

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point I want to make and I want to make it in a purely personal capacity, and that is this. A great deal has been said about the threat of depression, recession and decline in business activity. A great deal has been said about the dangers facing Kenya if there is a decline in world price levels. I am speaking in a personal capacity, because this is a matter on which nobody can do more than express their personal opinion. My own view for what it is worth is this, that quite obviously, if there is a world catastrophe such as occurred in the late 20's and early 30's, then of course this Colony, in common with the rest of the world, is bound to be affected, but if there is a "recession", as on many occasions in history there has been—and by that I mean a decline, shall we say, in the level of prices, some decline in employment, the sort of thing which in business would be referred to as a "decline in business activity", the curves not quite meeting and so on—then I think this Colony is in a very strong position to meet that type of evil wind. This Colony, in common with the rest of the world, cannot stand up to an economic blizzard without some harm, but if it is merely a decline in business activity, then I consider it can stand up to that for these reasons:

If we consider our export crops—and I have had a certain amount to do with this subject—we are extremely well placed as regards sisal, we are extremely well placed as regards tea, we are extremely well placed as regards pyrethrum, we are extremely well placed as regards gold, we are extremely well placed as regards kyanite, we are quite well placed as regards soda ash. In fact, as one goes through these commodities we export, those commodities in which we have to compete with the rest of the world, then our position, while I would not go so far as to say that it is completely safe, because that would be misleading hon. members, is favourable, and as far as one can tell by forward sales and contracts is favourable for some little time. That does not mean that in the bazaars, for instance, in certain cases merchants have not over-bought consumer goods. Of course that is so. That is a very good thing. We will get competition, and perhaps something that I would refer to as consumer resistance to price levels

that they find irritating, even though on occasions it may be within their powers to buy.

Then what of those commodities that are consumed within the country? Is it likely that there are going to be large surpluses in this Colony in the near future of butter, dairy produce, wheat, or meat? I am not an expert on this matter, but many hon. members know a great deal about it. I doubt whether any of them fear a surplus of those products in the near future, in the next few years, in the next several years. And when we look at the facts are we justified in crying "Wolf, wolf" and doing our little bit to make people frightened? As the hon. Member for Nairobi South said, there are other things in a balance of payments besides material things. There is the balance of confidence.

The world—that is the investing world—has a very great deal of confidence in these territories. The number of people wishing to invest here who come to my office nearly every day is one of the most encouraging things that happens to me in my job. They have enough confidence in us, otherwise they would not want to bring money here. We have confidence, we have every reason to have confidence, given peace, given understanding, and given courage. It is not for me to talk on this theme but Kenya is something I feel very deeply about and I do not think it does any harm occasionally to blow our own trumpets and point to the strength of our position. There are quite enough people who are interested in running us down.

With those few words I beg to support.

THE SPEAKER: If no other hon. member wishes to continue the debate I will ask the hon. mover to reply. (Laughter.)

MR. HAVELOCK (Kiambu): Mr. Speaker, I did not only get to my feet to solve the problem now being discussed on the opposite benches as to who is to speak next (laughter), but there have been many points made in this debate and I should like to refer to one or two of them, though I do not want to keep Council too long.

The first I want to refer to is the matter which the hon. Member for Trans Nzoia raised, as regards the payment of half a million outstanding on the 1928

[Mr. Havelock]

I would suggest to the hon. Financial Secretary that there is a choice of whether we use that half a million in capital development or put it to surplus balances or to a fund which may be created from those surplus balances. If we repay the loan out of a new loan to be raised in the near future, of course we are reducing the money to be spent on capital works, but if a tax equalization fund or a fund of that sort were created as suggested by the hon. Member for Trans Nzoia, that half million could then be put to that fund and swell its proportions very considerably.

I personally would support a fund of the type outlined by the hon. Member for Trans Nzoia, but on that particular aspect I would like to say that it has been strongly criticized by the hon. Member for the Coast, this idea of a tax equalization fund. I personally would not support it if it meant that the money is completely frozen. I would suggest that the fund could easily be used for short-term loans, but at the same time the money would be earmarked for taxation equalization to take up what the hon. Member for Trans Nzoia referred to as a lag if and when a recession occurred. I believe that great use may be made of the fund in short-term loans, and the fact that the fund was there would help greatly to create confidence in this country's economic standing. That is not to say that I am a "Dismal Jimmy". I have as much confidence in the future of this country as any other member of this Council, but I do think that in our economics when facing the future we at least should be prudent, and I think "prudent" is the word to describe the attitude the hon. Member for Trans Nzoia advocated.

Another question, the point made by the hon. Member for Trans Nzoia as regards exports and the proportions of exports: £11-million from European enterprise and £2-million from African enterprise, and I would underline for the benefit of the hon. member Mr. Mathu the word "enterprise". I do not think the hon. Member for Trans Nzoia, certainly not myself, wished in any way to deny the fact that the African in providing labour contributes very greatly to the results of European enterprise, but it is European enterprise itself which has provided that figure.

One small point that I should like to take up with the hon. Member for the Coast, when he stated that the extra price of petrol had not worried people very much. Well, it has worried them, very much to my mind and, in fact, I understand that the increase in the price of maize is greatly based on the increase in the price of oils and petrol, and that is a factor which worries people a great deal.

MR. COOKE: I did not say it had not worried people. I said there had been no public manifestation that it had worried people.

MR. HAVELOCK: I accept the explanation, but I do not think it affects the issue.

May I touch on the suggestion of the hon. member Mr. Nathoo for an export cess on sisal and coffee? I think it would be a great mistake to put an export cess on those products, an export which we wish to step up as much as possible to balance our economy. If a cess was placed on sisal, for instance, and the money from that cess placed in a fund for the benefit of the sisal growers only, there might be some justification for that sort of thing, but for the cess to go into general revenue I believe would be a very great economic mistake. As regards the capacity of the industry to pay, I have no great knowledge of sisal, except that the industry has been through very hard times in the last few years. But, of course, in the matter of coffee, in this Council only quite recently it was made quite clear that the coffee industry was not by any means in a sound position and, in fact we passed an Ordinance to allow for financial help to coffee growers.

One other point the hon. Member made, was that the growers of these crops are benefitting now from very high prices, but that when a recession comes and bad times come we have to rely or would rely upon help from the central revenue. That, as far as coffee is concerned, is I believe untrue, as the hon. Member for Agriculture told us when discussing the Bill I referred to, that every penny borrowed by coffee planters has been repaid.

I should like now to refer to one of the remarks of the hon. member Mr. Mathu. First of all, I personally do not

[Mr. Havelock] think expenditure should be arrested, I do not consider that is possible, and that point has been made strongly by hon. members on both sides of Council, but I do feel, and feel sure that most members will agree, that it must be controlled. I do not think any member on this side has suggested that expenditure should be arrested.

Regarding the remarks on the graduated poll tax, a suggestion put up by the hon. Member for Trans Nzoia, I support it strongly, and I cannot see that the implementation of a graduated poll tax should really necessarily be a greater burden on the African community. Graduation of the poll tax would merely give it a fairer spread so that those Africans with greater wealth can contribute more with the possibility of relief for those poorer sections of their community. So I cannot understand why the hon. Member for African Interests opposes the suggestion. To my mind it is just, fair, and proper. The fact that I proposed an increase in income tax has nothing to do with it at all, because the European community have accepted the principle of the wealthier paying more than the poor in that they have got income tax imposed on them now. The fact that I objected to an increase in the rate has nothing to do with the principle of the graduation of payment in that type of direct taxation.

I was very pleased to hear the hon. member Mr. Mathu suggest that the tax registers should be looked into in the native areas, and I personally believe there is a wide scope for bringing in further taxpayers in the native areas.

The hon. Member for African Interests, Mr. Mathu, also mentioned the matter of wages and the fact that the reason why it is difficult to find labour is that they are being offered such low wages. The actual figures mentioned, I believe, were Sh. 6, 7, and 10, or Sh. 6, 8 and 10. My experience, anyway in my area, is that I can definitely state that the figures are nearer Sh. 16, 17 and 20; in fact, the hon. member has dropped a digit; the cost to the employer of rations, housing, medical attention and so on is very considerable, and has risen very greatly in the last few years. I believe that an ordinary labourer on a

coffee plantation actually gets these days in cash and kind something in the region of Sh. 30 to 35 a month, and there has been in the last few years a very great increase in labour costs.

I think I should bring to the notice of this Council another remark of the hon. member Mr. Mathu, that some people, I do not know who, say that the total of the Police vote is due to the African community. I think I am right in saying that anybody who made a remark of that sort was obviously, of course, not facing the picture. Some people have said that the increase in the Police vote has been greatly due to the activities of the African community, which is a very different thing—

MR. MATHU: On a point of explanation, I was attacking the suggested increase. I never suggested people said it was due to African crime, I never said anything like that.

MR. HAVELOCK: I am sorry if I misunderstood the hon. member. Anyway, now we understand each other. (Laughter.)

A principle I support, and would ask the hon. Special Commissioner for Works in his speech, if he makes one, to tell us if it is practicable to increase the number of African artisans in his department, a point raised by the hon. Member for African Interests Mr. Mathu. I will support it if possible, but I would like to know what the present situation is.

As regards the rate of income tax—I am still referring to points made by the hon. member, Mr. Mathu—he did make a mistake as regards the rate, and possibly he would have known better if he paid income tax himself. (Laughter, and hear, hear.)

There is a tricky point raised as regards this matter of direct taxation on the African in order to make them work. I have never stated or advocated raising taxation in order to drive the African out of the reserve. That is not my intention at all. I believe that no matter where people work, it does not matter where they work, but they must work in the reserve, the European area, or anywhere else. But I do think that if we are to face this £4½-million recurrent expenditure which the hon. Financial

[Mr. Havelock] Secretary warned us about, we have got to see that all races get to work and we have got to find some way of persuading everybody to work. (Hear, hear.) I understand that the principle of heavier taxation to persuade people to work has been debunked, if that is a parliamentary expression. It may be so, but it is only my anxiety to find some fairly short-term means, because there is not much time, to persuade people to work that would make me try almost everything, because to my mind it is a vital necessity at this period of our existence.

I should like to touch quickly on the matter of the allocation of expenditure, and I should also like to say that in my constituency there is a great deal of anxiety about the increased expenditure and at the same time more anxiety with regard to the allocation of moneys to the different services. I believe that the time has come when we should very seriously consider reallocating the moneys at our disposal to the different services. From the figures the Hon. Financial Secretary produced for us in the financial statement, I calculate that the social services account for 19 per cent of the total and expenditure on productive services accounts for 11 per cent of the total. I have no doubt that the hon. Financial Secretary will, in the forthcoming year, study the background of the interests of this country financially, if he has not had time to do so yet. I am wondering if he is worried at this, to my mind, disproportion of the expenditure on the different services as shown in the statement produced to this Council.

I am extremely worried, and, as I say, numbers of my constituents are very worried too, in fact they are so worried that at one meeting they suggested that a commission should be appointed on the lines of that appointed after World War I under the chairmanship of Sir Charles Bowring, to go into the expenditure of the country with a view to having it reduced as much as possible and reallocated with an extra bias on the productive services. I would commend that request to the hon. Member for Finance; if he can speak on it in his reply I should be very grateful. But in any case I do hope that in the coming year he will do all he can to see if he

can build up a different framework for our economy in this country through a reallocation of expenditure.

There are only two other points of general principle that I wish to stress. They have been mentioned by other speakers in certain instances, I believe. I feel that we have got to be very careful of building up here a welfare state on the lines of the British state at the moment. I believe that it is not necessarily an economically but a psychologically wrong approach in this country. I am quite sure that all people in this country, of every race, must be made to know that they are to work and pay for any services which are given to them. I think it would be a very great blunder indeed to build up the atmosphere which is already here in this country in a great section of the population—and I do not necessarily refer only to Africans when I say that—that frightful attitude that should we want something Government must give it to us. I do hope that aspect will be taken into consideration by hon. members opposite.

One more point of general principle. I believe this country in the next few years will benefit more by and through the activities of private enterprise than anything else (hear, hear), and I believe therefore that in estimating our policy, economic policy and other, we should do everything in our power to encourage private enterprise, preferably from Britain, to come to this country, bringing the capital, brains and energy which we so badly need to make this a real land in the next few years, a real healthy, wealthy and happy land for all races. (Applause.)

DEPUTY CHIEF SECRETARY (Mr. Thornley): Mr. Speaker, a certain amount has been said during this debate about the deficiency in the quality of labour, which is at present offering. I am not going to pretend, and indeed my hon. friend the Member for African Interests, Mr. Mathu, who has spoken, does not pretend either that labour is offering in sufficient numbers for our needs, but I do think, and I know I am supported in this view by others in this Council, that there has recently been less dissatisfaction on the score of the sufficiency of labour for the tasks than has been the position in some past years, and indeed I noted that the hon. Mem-

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ber for Trans Nzoia, although he did draw attention in his speech yesterday to the insufficiency of labour, was reported in a speech only last week as giving his general opinion that, as regards adequacy of numbers, he thought the numbers were sufficient. (MAJOR KEYSER: Largely sufficient.) That is as it is reported.

I do not think he would wish me to read out the report, but I think that in fairness to the potential African labour forces in this country I ought to go back over the years and just show how the numbers of Africans who have turned out for employment outside the reserves has increased. In 1919 the average daily turn-out, can I call it, was some 100,000. Ten years later, in 1929, it was some 140,000. Ten years again after that, in 1939, it was approximately 230,000, and now, in 1949, another ten years further on, it averages 340,000.

Those figures are, I think, interesting, and I think, too, that it is fair that Council should have these historical facts. I suppose that it is not an exaggeration to say that, in order to obtain an average turn-out of 340,000 per day throughout the year it means that at some time or another the best part of half a million able-bodied men are turning out for employment outside the reserves; and when one considers that figure in relation to the total of about a million able-bodied men, which we get from the last census return, I do not think it is too bad a figure.

I think that it is also fair for me to point out that these increases over the decades since 1919 have not come about as a result of the stresses and strains of economic pressure, which have been the price causes of industrial revolutions in other parts of the world. The contrary I think is the case. It has been a fact that throughout these years Africans have been able very comfortably to subsist in their reserves. They have had no fear of passing out of existence, shall we say, if they did not go out to work. I am not sure that it would not be correct to say that the development of this country has gone ahead very much faster than has the need of its manpower to go out to work to exist, and that we would probably all agree with Mr.

Bernard Shaw who said that the only compelling force in the world was need, with capital letters.

What can be done about it? I agree—every member of this Council must agree—that it is extremely important, if we are going to develop as we should and in this I agree again with the hon. Member for Trans Nzoia—and I hope that he has not been misquoted again on this in the report to which I referred a few moments ago. . . .

MAJOR KEYSER: On a point of explanation, I think that the hon. member misunderstood my report. What I said was that I thought there was sufficient labour in the non-native areas if they did a day's work. That is quite a different thing.

MR. THORNLEY: Well, I am not sure that I accept entirely what the hon. member has said, but I was now referring to a different point and I was going to say that he and I are in agreement, unless he has been misquoted, that in this question of inducing Africans to work the remedy lies largely in the hands of employers.

The hon. member Mr. Mathu has made points which I do not need to go over again, in which he has stressed the reasons why Africans do not feel sufficiently powerfully the urge to go out to work. They still have one foot, as he said, in the reserves and they want to keep that one foot there in order that they shall have the security which everybody wants in their old age. I agree that it is awfully important that we should do what we can to work out ways and means of trying to find somehow the security in his old age which an African loses if he goes out for good and leaves his reserves. It is important that the very best possible conditions shall be available for the African who does go out for employment, and it is the main function of the Labour Department, as the department responsible for industrial relations, to do all they can to help bring this about. I could go into a whole lot of detail about rates of wages, diet, the provision of consumer goods and so on, which have been mentioned in this Council many times in the past, and I think that the employer can do more than anyone else in creating the right inducements to persuade the potential labour available in the Colony to go out and stay out at work.

[Mr. Thornley]

The Government has a responsibility, of course, and a very serious one, to do everything in its power to help towards this end. Labour liaison committees have been set up which do their best with employers and chiefs and headmen, sitting round the same tables, to find out where the labour demand is and to see to it that the demand is made known where the supply is to be found. I see from time to time reports of the meetings of these committees, and I think that there are members who would agree with me when I say that they have and are doing good work. I believe that the committee which works in the district of the hon. Member for Kiambu has been as successful as any other. I am glad to see him nodding his assent.

On the question of output, again I think that is closely related to the conditions of employment. It is obvious that a labourer is capable of greater output the greater is his strength to put into that output. I mentioned diet. I think nobody would disagree with me—(MAJOR KEYSER: I do disagree) The hon. Member for Trans Nzoia may disagree with me, but as a farmer I do not think he will disagree with me when I say that he—I do not know whether he is a dairy farmer—he does not go along to his cow (I am not comparing Africans with cows, and I hope the hon. Member for African Interests will not misunderstand me over this!) and say "Look here, I will give you more food if you will only give me a little bit more milk" (MEMBERS: He does get more milk.) (MAJOR KEYSER: I do get more milk!) (LAUGHTER.) I think these conditions under which employment is given all help.

Again, Government, through the medium of the Labour Department, is going all out on a campaign to increase output, and I have been very glad to see since I came back from leave that appreciation of this effort, particularly as it has been manifested in the Nakuru district, has come from a branch of the Kenya National Farmers Union, which is expressed in a letter which I have in front of me. It is a very great appreciation of the work being done by the department in that particular district. I have here a circular which was issued from the department headquarters in that district and circulated very widely

to all employers and everybody concerned, showing how the department intends to set about this important work. I can assure hon. members that the hon. Labour Commissioner will see to it that this campaign goes on, and I hope that it will continue to have the results which I am told it is having in the Nakuru district. I personally feel that if the efforts of Government and employers can be combined to attract the labour which is available into our production effort, there should be no need to consider importing labour on any big scale. I hope very much that that will be so, but I ought perhaps to say as the point was made by the hon. Member for Trans Nzoia, that the possibility of importing labour to fill any gap which we may discover cannot otherwise be closed, that an examination of that possibility has been made, and there is no doubt that we could import labour if the need should arise. (Hear, hear.)

I hope that I have said enough to deal with the various points which have been made on this question of the sufficiency and output of labour. There are however, one or two other points which have been made during the course of the debate which I think I should refer to, and while on the subject of labour I should like to assure the hon. Member for the Coast that, as was stated when the Voluntarily Unemployed Ordinance was enacted, we do regard it as a matter of considerable urgency to get the Ordinance into operation. There are, however, as I am sure the hon. member will appreciate, quite a number of arrangements to be made under the provisions of that Ordinance before we can really get it going. I have at the moment a committee which has been working for some days to advise me on the detailed arrangements which will have to be made before the Ordinance can be operated, and I have every intention to arrange that we shall see the Ordinance in operation before the month beginning to-morrow comes to an end. (Hear, hear.)

The hon. Member for Trans Nzoia, in deploring very mildly the increase in personal emoluments, asked that there should be a scrutiny of the staffs of the departments, and that this scrutiny should not be limited to the subordinate members of those departments. I was a little surprised that he should have made those



[Mr. Thornley] points again this year (it was made so many times last year), because, and he will not contradict me, he is in a position to know that a very thorough examination has been made as was undertaken when we debated the Salaries Commission report, and again, I think, in the budget debate last year. A very thorough examination has been made of the staffs of all departments, and these have included all members of those departments—(MAJOR KEYSER: Not enough, that was the point.) I can assure hon. members that steps have been taken which are consistent with and in fulfilment of the undertakings given in this Council, that the dead wood should be weeded out. This is a normal process of Government, and we are not sitting back and assuming that, having made that examination, we can now go on without paying any heed to it; it is a continuous process.

The hon. Member for Trans Nzoia also expressed the wish that beneficiaries of social services should be made to contribute more to those services. I could not agree with him more, and I hope when we shall, on the earliest possible date come to debate in this Council the excellent education reports laid on the table, that hon. members opposite will join with us on this side of Council in deciding how we can carry out those wishes. I hope that when we come to tackle those reports the problem will not be seen so much as how we can afford education but rather how can we afford that we all agree we must have. Obviously in that discussion we shall have to resolve to how much we can get from the beneficiaries for the services which I hope they will be receiving.

With those few words I beg to support the motion.

#### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. on Thursday, 1st December, 1949.

Thursday, 1st December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 1st December, 1949.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 30th November, 1949, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 64—KILELESHWA HOUSING SCHEMES

MR. ERSKINE:

Will Government please state the cost of the Kileleshwa *pisé-de-terre* housing scheme on a plinth area: superficial rate per square foot inclusive of earthwork, roads, ancillary services and overheads?

Will Government further state how the final figure per square foot compares with the estimated cost at the time these works were sanctioned?

MR. RANKINE: The actual cost of the *pisé-de-terre* housing scheme at Kileleshwa cannot be determined until the accounts are finally closed, but a reliable assessment of expenditure and liabilities indicates that the cost per square foot of plinth area inclusive of earthworks, drainage, fencing, drives, paths, all ancillary services and site overheads, but excluding estate roads and establishment charges, will be:—

	Per sq. ft. Sh.
Garages .. .. .	12/-
Boys' quarters .. .. .	15/-
House .. .. .	21/83

Adding the cost of estate roads and establishment charges to these figures gives an overall cost of:—

	Per sq. ft. Sh.
Garages .. .. .	15/-
Boys' quarters .. .. .	18/-
House .. .. .	26/80

The original estimate, which was prepared in 1947 before experience had been gained on *pisé-de-terre* construction, put the probable cost per house as £1,497, excluding estate roads and establishment charges. On a square foot basis this estimate worked out at:—

[Mr. Rankine]

	Per sq. ft. Sh.
Garages .. .. .	7/50
Boys' quarters .. .. .	10/-
House .. .. .	17/-

MR. ERSKINE: Mr. Speaker, arising out of that answer, could the hon. Member go further and say whether there was any substantial saving over the traditional form of building?

MR. RANKINE: Yes, sir. At current contract prices for European housing in Nairobi the average cost is as follows: garages Sh. 15/40 per square foot, boys' quarters Sh. 26/50 per square foot, houses Sh. 39 per square foot. These prices included all ancillary services but not estate roads and establishment charges. The *pisé-de-terre* cost on a comparable basis would be: garages Sh. 12 per square foot, boys' quarters Sh. 15 per square foot, houses Sh. 21/83 per square foot.

MR. NATHOO: Arising out of the last answer, may I inform the hon. Chief Secretary that the contract prices for European houses in the last few months are much lower than those quoted by him?

THE SPEAKER: That is hardly a supplementary question.

MR. BLUNDELL: Mr. Speaker, arising out of the answer, would it be possible for the hon. Chief Secretary to give us also the cost per foot of houses built by the Public Works Department in what the hon. member on my left called the traditional manner?

MR. RANKINE: I would be glad to give them, but I should require notice.

MR. COOKE: Arising out of this question, even if the cost is a bit large, is not Government to be congratulated for getting a move on? (Hear, hear.)

MR. RANKINE: As regards what the hon. member Mr. Nathoo has said, I am very glad to hear it.

#### EXCISE DUTIES (AMENDMENT) BILL

##### SECOND READING

MR. MATTHEWS: Mr. Speaker, I beg to move: That the Excise Duties (Amendment) Bill be read a second time.

I do not propose to take up the time of the Council unduly on this matter or to say very much more than is in the "Memorandum of Objects and Reasons". This is merely to provide for the levy of excise duty on matches when manufactured in Kenya. At the moment there are no matches being manufactured in this country, but it is thought advisable, since there are indications that certain persons may consider the manufacture of matches in this country, to let them know in advance what the excise duty will be. The matter has been considered by the three territories and all have agreed to this rate of excise duty. The Bill sets out to amend the Schedule to the principal Ordinance by adding this item.

MR. O'CONNOR seconded.

The question was put and carried.

MR. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. RANKINE seconded.

The question was put and carried.

Council in committee.

The Bill was considered clause by clause.

On the motion of Mr. O'CONNOR, the Bill was reported back to Council without amendment.

Council resumed and the report was adopted.

#### THIRD READING

MR. O'CONNOR moved: That the Bill be read the third time and passed.

MR. RANKINE seconded.

The question was put and carried.

The Bill was read the third time and passed.

#### CUSTOMS DUTIES ON FOODSTUFFS (PROVISIONAL EXEMPTION) ORDINANCE, 1946

##### MOTION TO CONTINUE

MR. PADLEY (Acting Deputy Financial Secretary): Mr. Speaker, I beg to move: Be it resolved that the customs duties on Foodstuffs (Provisional Exemption) Ordinance, 1946, shall remain in force until the 31st day of December, 1951.

[Mr. Padley]

The Ordinance referred to in this motion is one which expires automatically at the end of every year unless renewed by resolution in this Council. The Ordinance gives power to the Government in Council to waive customs duty on any foodstuffs if it appears to him to be necessary to do so in the interests of the community. It is sometimes necessary to resort to the importation of basic foodstuffs should local supplies fail for any reason to meet the requirements of the community. The duty on most basic foodstuffs is of a protective character, and in normal circumstances we do not import any; therefore the duty collected is negligible. When it does become necessary, however, to resort to importation it is, of course, undesirable to inflate their price with a heavy duty which was never designed as a revenue measure. It will be noted that the resolution provides for the continuation in force of this Ordinance for a further period of two years.

MR. MATTHEWS seconded.

MR. ERSKINE: Mr. Speaker, when my hon. friend replies to this debate—(laughter)—I wonder if he could tell us, and we are all extremely interested in this particular matter, how this Ordinance has worked during the last year in particular in regard to the importation, the necessary importation, of sugar; to what extent was the duty on this foodstuff waived? Was the whole amount waived or only a part, and how did it affect the cost of imported sugar as compared with local sugar had it been available? That is all we want to know, but I feel it is a matter of some considerable interest.

MR. PADLEY: Sir, in reply to the debate, the customs duty on sugar was reduced by means of a special Ordinance. This particular Ordinance gives the Governor in Council power only to waive customs duty. In the case of sugar, the customs duty was reduced from eighteen cents per pound to the normal levy of the excise duty, which is two cents per pound. Thus, without the special Ordinance enacted in this Council some months ago, the price of imported sugar would have been sixteen cents more than it is now.

The question was put and carried.

## ENTERTAINMENTS TAX ORDINANCE, 1931

### MOTION TO CONTINUE

MR. PADLEY: Mr. Speaker, I beg to move: Be it resolved, that the Entertainments Tax Ordinance, 1931, shall remain in force until the 31st day of December, 1950.

This is another Ordinance which expires automatically at the end of every year unless renewed by resolution of this Council. During this year Government has had under consideration the question of making certain amendments to this Ordinance and an *ad hoc* committee which was appointed to consider the matter has now completed its investigations, and it is the intention of Government to introduce a new Bill to replace the existing Ordinance as soon as the necessary legislation can be drafted. It is most unlikely, however, that this Bill will be ready before the end of the year, and it is therefore necessary to make provision for the continuation of the existing Ordinance which would otherwise expire on 31st December this year.

MR. RANKINE seconded.

The question was put and carried.

## DRAFT EXPENDITURE ESTIMATES, 1950

### REFERENCE TO COMMITTEE OF SUPPLY

The debate was continued.

MR. PATEL (Eastern Area): Mr. Speaker, during the last ten years I have invariably noticed that the non-official members have shown great anxiety over the growing expenditure of this country, but when they came to examine the estimates in detail most of them invariably pressed for an increase of this vote or that, and ultimately recommended increased expenditure. That is the process we have followed, and I do not think the present year will prove an exception to that. As far as I am concerned I feel that with a growing and developing country like this, with an age of only 50 years, it is obviously necessary that expenditure must grow as the needs of the country grow. However, one can legitimately and reasonably address certain questions in examining the draft estimates.

One can legitimately ask whether the budget is progressive, whether it is for

[Mr. Patel]

the benefit of the whole of the population of this country irrespective of any consideration for a particular section, however important or influential that section may be, whether the allocations to the various departments of Government are reasonable, and whether the emoluments paid to the members of the staffs are reasonable and reflect efficiency, and, lastly, but by no means least, one would naturally address a question as to whether the expenditure is within the reasonably taxable capacity of the country. While one would address those questions to one's self and try to answer them, I feel that in the present estimates there are certain hereditary defects.

While on that point, let me refer to what we are often told by certain members, that the expenditure on social services should either be curtailed or should be met by compulsory contributions. In my view, the criticism which has been made in this Council in regard to expenditure on social services is often based on a misconception of the situation. In this very Council I have heard members make remarks that we cannot develop this country unless we develop the capacity, mentally and physically, of the population, and we cannot increase production unless the population has among it skilled personnel, while on the other hand it has also been stated that we cannot provide the necessary social services for increasing the required skill and health of the population unless we have greater production. I at one time ventured to suggest that this vicious circle would have to be broken by some means or other, but I regret very much to see that there has been no constructive effort made to do so. We merely hear again and again criticism of the expenditure on social services.

Those who claim the leadership of the country have not yet put forward any positive or constructive suggestion for necessary expenditure to meet the growing social services in this country. In my view, in a country like this where we have started educational and medical facilities only three or four decades back and where a great deal remains to be done to meet the needs of the population, we are in the fortunate position that we have not to meet a very heavy defence expenditure as some countries

in the world have to meet to-day. We all know that there are many countries in the world to-day who spend from 25 per cent to 50 per cent of their budgets for defence, and we are very fortunate in that respect. Therefore I think that our effort should be to meet two enemies in this country, illiteracy and disease, and for that purpose those who claim the leadership in this country should not merely say that the cost of educational and medical facilities is growing and should be curtailed or that those who benefit by those social services must come forward and pay whether they have the capacity to pay or not.

That is not in my view positive leadership. The only positive leadership which they claim from the population can be fulfilled is, in order to accelerate the progress of this country a long-range policy is adopted, a wise policy, to spend more on social services instead of saying that they must be curtailed. I suggest that if it is necessary even for periods of five or ten years we must be ready to pay greater taxation as we did during the war, and we must consider that this is a war against illiteracy and disease, and must face up to the issue by providing more money by higher taxation for the purpose of removing illiteracy and disease which will in the long run help the productive capacity of this country. That is the only way, in my submission, that the vicious circle often mentioned in this Council can be broken, and not by taking a pessimistic view about the expenditure on social services.

While on this point I must also refer to certain observations I have heard in this Council time and again. It is suggested again and again that it is only one section of the population which provides the exports of this country and which pays the larger amount of taxation. It shows, in my submission, a complete ignorance of the situation in this and other countries also. In every country enterprise is shown by a section of the population. You take Europe, Asia, or anywhere else, it is only a section of the population which shows enterprise and provides the wealth of the country and pays the larger share of taxation. That becomes possible because the whole of the population labours for the schemes which are provided by those who have the initiative and enterprise. Because in

[Mr. Patel] this country that section happens to be a certain racial group, therefore it is suggested again and again that only that racial group should benefit on account of the productive capacity they have shown and the taxes they have paid.

That is an absolutely wrong approach to the whole subject. In England, those who started the industries or manufactures or other enterprises were a small section, but others provided the skilled or unskilled labour. That does not mean that only that section which showed initiative and enterprise should benefit on account of the production and the taxes which are paid. That argument has been advanced in this Council time and again, and we are reminded again and again that one section of the population only has provided the exports and has provided the money by way of taxes. There is another thing which must be remembered in this country. In countries like Great Britain or America or elsewhere every citizen has an opportunity of making a contribution according to his merits. Here there are certain artificial lines drawn which prevent the majority of the individuals from making a contribution according to their capacity. Therefore, in this country this question of contributions by certain sections only is less noteworthy than in other countries where a similar situation may exist.

Here also I must mention another thing. That on account of this position we also notice the standard of living of a handful of people is too high compared with the general circumstances of the country, while the standard of living of the vast mass is too low, and that difference is very great and acute. Again I suggest that leadership will lie in remedying the situation instead of perpetuating it for ever, a situation which will one day, in my opinion, explode the whole of the social structure.

While on this point, I would also like to mention one very good suggestion which was made by the hon. Member for Trans Nzoia. He suggested that all races should pull together and that Africans and non-Africans are complementary. So far very good, but the mere desire or the mere declaration to this effect does not have results; it does

not bring about a practical solution. The solution will lie and the circumstances will be created for these harmonious relations and a complementary situation provide if every citizen in this country feels that he has a say in the administration of the country, that he belongs to this country and that he gets the social services he requires, whether he is in a position to be taxed or not, and that he can rise in the scale of life according to his merits with full opportunities to rise accordingly. I do not think there can be otherwise complete satisfaction and a desire to pull together; there will always be friction as long as any citizen is prevented from rising to his fullest capacity. There must be co-operation, and there must be opportunity for everybody to rise according to his capacity, and until that happens a declaration alone of this nature will, in my opinion, prove fruitless.

I often notice that those claiming leadership and who have claimed to have given leadership in all aspects of life do not approach either Indian or African to participate. The Indian is discussed as a problem and the African is discussed as if he were a commodity like cotton or coffee, and as long as that mental attitude persists it will be difficult to create the spirit of co-operation which is very essential for the progress and development of this country.

While examining these estimates, if they are, for the benefit of all, I, as an Indian member, must say immediately that the Indian community has felt aggrieved and has expressed so very many times in this Council that in regard to medical facilities and educational facilities the previous draft estimates did not do justice to them, and the present draft estimates also inherit that defect. If we take hospital facilities for the Asian community of this country and compare them with what has been done for other sections it will be found that the draft estimates are not prepared with an eye to the benefit of the whole population irrespective of any other consideration or the importance or influence of any section.

Another instance which I might give is in regard to the situation of Asian foodstuffs. The hon. Member for Finance while moving the motion said that it is an adoption of a policy which

[Mr. Patel] dictates expenditure. I have noticed during the last seven or eight years that the Asian community has felt very much aggrieved in regard to the supply of important items of their diet, and representations have been made time and again that something should be done in this country to produce in larger quantities these important items of Asian diet. At present they do not get the necessary quantity of foodstuffs in this country. But it appears that so far no notice has been taken of these representations from the Asian community in this respect. Just one other instance. The development of agriculture in this country is being carried out to the extent that is shown in the draft estimates, but no amount has been specially spent for the purpose of producing what are the needs of the Asian community in regard to food in this country. These two instances are quite enough to show that the draft estimates are not prepared always keeping an eye on the general benefit of all sections of the population of this country.

While we discuss the question of the allocation of various amounts to the various departments I agree with the hon. member Mr. Mathu that the Police vote has grown out of all proportion. It is true that law and order must be maintained, but merely increasing the police personnel alone will not help in maintaining law and order. The general moral standard of the population will have to be increased, and that cannot be done unless we have better education and better living conditions, and for that purpose also we will have to spend more on social services.

I heard two fantastic suggestions from the hon. Member for the Coast. He said that there should be concentration camps in the Northern District for the purpose of teaching criminals a lesson or something to that effect. That is not the way crime can be reduced. Crime should be reduced—

MR. COOKE: On a point of order, I was referring to a particular type of crime. Of course, I do not mean that any petty crime should be punished like that. I was referring to vicious crimes.

MR. PATEL: Another suggestion which the hon. Member for the Coast made was to interfere with the inde-

pendence of the Judiciary in this country. The experience of centuries in Great Britain is—

MR. COOKE: I must really repudiate most strongly that suggestion. I made it very clear indeed that I had the greatest regard for the Judiciary. I put it in this way. I said I hoped the Chief Justice might be able to hint to the magistrates, and indeed I have written on several occasions about the maintenance of the rule of laws. My hon. friend the Attorney General, I am sure, will bear me out.

MR. PATEL: That in itself shows that we do not have sufficient confidence in the bench to take judicial notice of circumstances whenever a deterrent sentence will be required. That shows that we want to interfere with the independence of the Judiciary in these matters.

MR. COOKE: I do submit that the hon. gentleman must accept my explanation.

THE SPEAKER: He has accepted it, but he has drawn his own conclusion from it.

MR. PATEL: The great prestige of the administration of British law depends upon the independence of the Judiciary, and any pressure, even for the purpose of imposing sentences from any quarters, will certainly create a kind of lack of confidence which will be disastrous for the general administration of law in this country.

There are crimes in all countries. Kenya is not peculiar. As a matter of fact if we study the figures very carefully, even during the war-time crimes in Kenya will be found to be less than what we find in other countries. Even serious crimes will be found less in this country than in other countries.

Another suggestion which has been put forward is to lay the whole blame for crimes on the African population. We have 5,000,000 Africans, about 90,000 Indians and about 30,000 Europeans in this country, and if you take the percentage I am quite certain that you will not find that the percentage of criminals in the African population is unfavourable in comparison with the percentage of criminals in the European and Indian populations. I am quite certain that you will not find that the African population is placed unfavourably in the comparison. Therefore, to suggest that there

[Mr. Patel] should be a special tax on the Africans to create a public opinion is, in my submission, a wrong approach to the whole subject. What is required, again I repeat, is more education and better living conditions.

One way of reducing expenditure is to abolish most of the controls which are in existence to-day. I think the continuation of controls now is largely due to the desire on the part of some to continue what has been established already, and it is not only a wasteful effort now to continue most of the controls, but it contributes to an undesirable mental attitude on the part of many to evade these controls, and as long as we continue these controls, so long will we encourage a mental attitude which we found during the war, and even after the war was over. It is not necessary now to continue most of the controls which, in my opinion, do not render any useful service at present and on occasions do great harm. I can speak in regard to Asian foodstuffs, and I would say that it has not done any good in regard to the supply of important items of Asian food. It has only caused the Asian community to buy their most important items, rice and ghee, in the black market.

I should like to make a few general remarks on certain points which were raised during the debate in this Council.

The first point is in regard to the subsidy to be paid for maize. Whether it is to the farmer or the consumer it is absolutely necessary to pay that subsidy because it is necessary to check the rising cost of living. Otherwise wages would rise and there would again be a vicious circle of rising costs and rising wages and so on. I think that during the next two or three years it would perhaps be found advantageous to check the rising cost of essential foodstuffs by paying subsidies instead of allowing it to be passed on to the consumer every time.

A question which was raised by certain hon. members of this Council in the debate was in regard to income tax. I for one am not afraid of raising the rate of income tax if it is found necessary for the purpose of providing better and more social services. I would certainly welcome an increase in the rates

of income tax for the purpose of providing better education and better medical facilities instead of accepting the vicious principle of a communal contribution, which will have to be accepted if no alternative is left for the purpose of providing these services. I am not prepared to agree that in this country we are over-taxed.

While on this question of income tax I should like to make one suggestion for the purpose of better collection of income tax, that when it is found that any person does not account for his income reasonably to the income tax department, or does not keep his books in a reasonable manner, there should be power immediately to make arbitrary assessment, with the onus on that person to satisfy the income tax department that the assessment is on the high side. Otherwise he should be asked to pay the income tax assessed and should be taught the lesson to keep his books of account in proper form and accounting for his profits in a better manner. That is the only way in which those who try to evade income tax by not keeping proper books of account or by not accounting their income properly could be dealt. That system is followed in India, and very successfully, and perhaps the hon. Member for Finance, who has lived in India, may profitably follow that example in this country.

There is one disturbing feature of our expenditure in this country, and that is that every year after the draft estimates are approved one finds that large amounts are voted by special warrants. That is not a desirable practice. It shows that either those who draft the estimates are unable to foresee for the next twelve months or it is an expenditure which could not be foreseen. I should be very happy if the hon. Member for Finance will enlighten this Council whether it is due to not having a proper grasp of the situation or whether it is through unforeseen and unforeseeable circumstances which require such large amounts to be spent by special warrants.

I support the hon. Member for Trans Nzoia in his plea that in times like this we should make every effort to build up a surplus of £5-million.

With those remarks, Mr. Speaker, I support the motion before the Council.

MR. BLUNDELL (Rift Valley): Mr. Speaker, in listening to some of the speeches on this side of the House I have become a little confused as to whether the hon. members opposite are not the opposition and this side of the House is not indeed actually introducing the budget!

Now, sir, I find myself at variance with the majority of the speeches which have been made from this side. I view with alarm the rise in expenditure year by year in our budget. That rise is due to three things: (1) To the normal development of the country and the implications inherent in the Development and Reconstruction Authority's programme; (2) to the constant demands for services made by the peoples of this country; and (3) to the tendency in times of buoyant revenue for the Government's financial officers to lose their very firm grip on expenditure generally.

Now it is with these two latter that I am concerned. Nobody, I think, is going to deny that expenditure must rise in a developing community, but what alarms me is the following. Arising out of the Development and Reconstruction Authority's programme we shall be faced, as my hon. friend opposite, the Member for Finance, said, we shall be faced with an increase in recurrent expenditure of some £2½-million, and if we are to meet that recurrent expenditure it is essential that we should watch with the greatest caution ordinary expenditure allowed to increase independently of the Development and Reconstruction Authority, otherwise we shall be faced with the fact that we can only meet that expenditure with very greatly increased taxation.

I think there are many misconceptions about the Development and Reconstruction Authority. People imagine that the Development and Reconstruction Authority is a set-up which will automatically increase the revenue, the development and the riches of the country, but the 'true facts' are that the Development and Reconstruction Authority on the whole is an inescapable commitment in the normal development and not anything abnormal in the Colony. The Development and Reconstruction Authority is due to the fact that for something like ten years before

the war we shut down in this Colony on development. It is inescapable, and it is only productive on the whole in so far as it meets the normal demands of a growing community. If you examine the 'Development' and 'Reconstruction Authority' schemes you will find, with the exception of one or two, that on the whole they are not directly wealth producing; they are merely the acceptance of normal commitments, such as schools, due to the growth of the population; hospitals, again due to the growth of the population, a real attempt to stave off disaster in the African land units. That in itself will not produce more wealth; it only prevents us losing wealth we have already got.

If hon. members agree with me so far, I have certain criticisms of the Development and Reconstruction Authority's programme, mainly, I think, that we are tending to switch too much of that programme towards buildings and long-term projects rather than to immediate ones, but I do not criticize for one moment that even the long-term projects and buildings are largely inescapable commitments. All I am saying is that before you can have a large house you have to build up the income to inhabit it. If what I have said is correct, it is vitally necessary to watch expenditure, especially expenditure which is incurred rather on the basis of "It would be nice to have it". There is always in the running of a country basic expenditure which cannot be avoided, but there is also in times of buoyancy a tendency to add frills. That is the expenditure which has got to be watched. If not, this country will inevitably be faced with a very considerable rise in taxation.

Now, sir, I am not a dismal-jimmy, but I do believe in being a realist, and I am very doubtful whether the income of this country will rise by one million a year over the next five years—not the national income but the revenue. Our revenue is tremendously dependent to-day upon capital development in the country, and if there should be any slowing up in the tempo of that capital development it would be a constant reduction in our revenue.

I wish now to make certain remarks about the necessity on the whole for keeping taxation at a reasonable level. Before my hon. friend Mr. Patel spoke

[Mr. Blundell] he said to me that he hoped he would provoke me. Well, sir, I should like to assure him that he has not provoked me. I would only say one thing in regard to his speech and the hon. member Mr. Mathu's speech. When they were speaking I felt rather sad, because in a way I felt that although the colour of my skin was possibly disadvantageous the colour of my money was not.

Now, sir, income tax. The essence of income tax is that nobody wishes, I believe, to go against the modern theory that it is right for those who have been more fortunate to assist those who have not; and in so far as income tax is a constructive use of the resources of the Colony towards development designed on a broad basis to benefit everyone I support it. But the moment income tax becomes a penal measure on the lines of soaking the rich and in the redistribution of wealth violently just towards that end, and that end only, I strongly oppose it. (Government applause.) Not only that, I think that a tremendous amount of nonsense is talked about—it is so easy when you wish to turn on the tap to let the other fellow push the water through the pipe, but if you raise the income tax rates of this Colony, or any other taxation for that matter, you immediately impinge upon the development of the Colony for two reasons. This Colony's funds can only be developed by two methods: (1) the savings of the people within the Colony, and (2) the savings of the people outside the Colony. In so far as taxation rises to high levels in the Colony the amount of savings will be reduced, and again, in so far as taxation rises in the Colony the wisdom of placing other people's savings here will be called in question.

There is one other aspect in all this. Taking a long-term view and looking round the world, can we say at the moment that money in the hands of the State is better spent than money in the hands of the individual? For those reasons I do state that I view with alarm the rise in expenditure yearly in this Colony, especially where that rise takes place not due to what I would call normal growth and development, but rather due to a certain lightheartedness

engendered from a series of years of buoyant revenue.

Certain members on this side have made play with the demand for social services and social security. I think it would be impossible in this year that is coming, 1950—that is to say the half of the twentieth century—it would be impossible to resist the natural demands of those who have not been so lucky in life to have a bit more luck. But I would say one thing, that it is impossible to provide social services or social securities beyond the capacity of any country to pay. We are a young developing country, the majority of our money must go into providing greater development, and with that development we may be able to provide social services.

Now, sir, I agree—so far indeed has he not provoked me—I agree with my hon. friend Mr. Patel that there is a vast disparity in this country between those who are wealthy and those who are poor. The same disparity also exists, funny enough, in the country from which he has the honour to come. But I would say one thing: it is quite impossible to raise the level of the inert mass unless that mass itself is prepared to come forward to its own help in the process of raising. (Government applause.)

CHIEF NATIVE COMMISSIONER (Mr. Davies): Mr. Speaker, before I reply to one or two points that have been raised I should like first of all to say how pleased I was to hear that the hon. Member for Trans Nzoia has been able to tour parts of the African districts near his home. We should welcome very much tours of this kind by all members of the Council, and I think they would learn something, and we would also profit very much by their advice.

Taking up one or two of the points which have been raised, I should like first of all to talk on the subject of a suggestion made that there should be an all-round increase of poll tax on Africans to meet the increasing charge of the police and the increasing bill we are now faced with in respect of the police. That is a suggestion which Government cannot possibly entertain. In the first place the police serve all races, and they are staffed by members of all races. Crime, as the hon. member

[Mr. Davies] Mr. Mathu has said, is not—and I agree with him—confined to Africans. On the other hand, it is perfectly true that there has been a considerable increase in crime, and there has been a considerable increase in crime and lawlessness among certain of the African population, and it is a fact that the increase in the numbers of the police we have had to engage is largely due to the increase in crime among Africans, simply and solely for arithmetical reasons, as one member pointed out, that there are five and a half million Africans in this country and very much smaller numbers in other races.

It is not possible to pin down this increased crime among Africans to any particular section of the African community, and any suggestion that we should impose a cess on all Africans or, say, the Marakwet, Suk, Giriama or Luo, would be unfair. If it were possible to pin down this crime I should be the first to advocate that we call in the proper sections of the Ordinance, and on a very broad basis it would be possible to make the people pay who were responsible. But I repeat that that can only be done, as hon. members are aware, on a broad principle, and it is not really perhaps quite as fair as one would think. However, here is a different set of circumstances, and we cannot meet the problem in that way. The expense of the Police Force is for the preservation of law and order among all races and is to the advantage of every honest man whatever his race, and I am perfectly certain that it is correct that all members of all communities should pay towards that service.

Other hon. members have said that the imposition of police and more police is not the only answer to crime, it may well be that more deterrent sentences might have a salutary effect, but I personally could not associate myself with the introduction of early English or later African methods of punishment in this country. These answers in the shape of police and deterrent sentences are negative ones and are of a preventive rather than curative nature. The creation of a sound public opinion was said by one member to be what is needed. One member for African Interests told us that that public opinion did in fact

exist in the past and it is very sad and deplorable that we see so little evidence that it existed now. I would appeal to my hon. friends the members for African Interests to try and impress upon their constituents the very shocking state of affairs that does exist in some parts of the country in this respect, and try to impress on them the infinite amount of harm being done to the good name of Africans by the C.S. Africans we read about in their midst.

The hon. Member for the Coast told us that closer administration was necessary, while the hon. Member for Mombasa viewed with equanimity and calm districts being left understaffed by district officers while district officers are on leave. As to the criticisms that district officers are now more and more "political officers", I am not quite sure in what sense that remark was made. In the first instance, so far as district officers are more and more administering through the local governments that exist in these local native councils, their function is becoming to some extent more political, and "political". I put in inverted commas. So far as the African has taken a lead from the other races in this Colony and is becoming more and more politically minded and active, this is perfectly true, and a district officer has got to take notice of it and deal with it, and I should like to say here—and I hope hon. members will honestly believe me—that a district officer in many cases wishes politics at the bottom of the sea as he would like to get on with jobs of work that face the majority of their people. (Hear, hear.)

This is a digression, and I should like to go back to the subject of increased lawlessness. We must get rid somehow of the cause of this lawlessness. We must build up a set of conditions in which Africans, the great mass of Africans, can live a civilized, stable life, earn a reasonable living, and become members of a decent and orderly society. It is essential that people build up a decent public opinion, for the very simple reason that it is against their own interests for the law to be broken. The creation of those conditions will cost a lot of money. You have to have healthy people living on healthy land, you have to have them decently housed, and have to have proper food and water supplies, and

(Mr. Davies) above all, an education properly fitted for the production of the sort of people you want to produce. This, I repeat, costs money. The last ingredient, the provision of proper education with proper content and wide enough range, has been the subject of an investigation by a committee which has just reported. The financial implications of that report are of a kind which give one furiously to think where is the money coming from for all these services. Now, clearly the African as well as other races have got to pay their fair whack towards this Central Government expenditure.

Government is very well aware, and sometimes I think the general public is not, but Government is very well aware that there are already very large sums being paid by Africans towards their local revenues. It is a fact that, generally speaking, Africans pay revenues raised by local native councils which provide for the main bulk of the cost of their primary education, they provide the main bulk of the cost of the roads other than main trunk roads going through their districts, and they provide maternity and dispensary services. These local taxes have increased considerably. In 1939 the estimates of local native councils was £65,270; in 1949 that figure has risen to £236,548. That is a very considerable increase. In addition to that, they levy cesses on produce, particularly in the Nyanza Province, and these cesses are very considerable indeed.

Nevertheless, it is true that in future the African community must pay a fair whack; and that means a larger contribution towards the central funds of Government from which many of these social services have to be financed. That means that while in 1950, next year, the African poll tax rates, with one or two exceptions, will be the same as in 1949, in the 1951 budget we must expect that the African direct taxation will rise. I am not going to say or attempt to prophesy how that increase will be effected, but if it is worked on a poll tax basis obviously some areas will be better off than others and some people will be better off than others. There may be areas, and I personally think there are, where the poll tax is as high as it should be. We have these variations in rates of tax over different districts, and

to that extent, a small one, we are trying to put into effect the principle that a man should be taxed according to his ability to pay. I think the majority of hon. members will agree with me that that is a fundamental principle which somehow we must accept. I believe it is a truth which even the hon. member Mr. Mathu accepts.

He considers, as he told us, that poll tax was arbitrary and unscientific. It is this application, perhaps, of this taxation according to the ability of a man to pay that is difficult to put into practice, but I believe we have got to try and find out how it can be done. It is intolerable that a man earning twenty-five shillings as an agricultural labourer should pay the same rate as a man with two lorries and a shop, and I do not think we should go on with it. (Hear, hear.) I do not pretend that this is going to be a bit easy, it is not. We have talked until the cows come home as to how it should be done, and shall probably talk more, but we have to do something. But whatever we do we shall not be anything like 100 per cent efficient.

The hon. member Mr. Mathu suggested that before even this is tried we must have an economic survey. I may be wrong, but I do not think an economic survey of Kenya was made when income tax was introduced into this country, and it is patently apparent that there are degrees of wealth among Africans as there are among other members of the community. We have heard references to the breaking of springs on the cars of Africans as they drive round corners. I do not think that every African has a motor car by a very long chalk. No, I believe we have got problems here which somehow or other Government has got to try to solve. I have no doubt we will make mistakes in the process, but that should not hinder us from trying, and I trust that we may make this effort with the invaluable help of the hon. members for African Interests.

Mr. SALIM (Arab Interests): Mr. Speaker, in supporting the motion before the Council I should like first to congratulate the hon. Member for Finance on his eloquent speech. The tasks and the responsibilities he is now undertaking are rather difficult to bear. Ex-

(Mr. Salim) penditure is rising and it is feared that we may not be able to keep pace with it. There are a number of desirable projects to be cut out due to lack of finance and it is obvious that sooner or later the necessity of increasing taxation will have to engage the attention of Council so as to cover the increase of expenditure of the Colony and Protectorate of Kenya. It is clear that the burden to carry out some of these social services is heavy; hence the necessity for productive services. Whatever the cost may be these services are required for the development of the country in the future, and if we do not pay full attention to this important subject the prospects of the country will be worse.

Different opinions have been expressed by previous speakers, but I am going to say that no final decision has been arrived at as to how our revenue can meet the expenditure. It has been said many times that social and connected services should be increased. I myself am in favour of what has been said, but if we consider the financial position how can these services be brought into being? I hope hon. members on the other side of Council can give us a rough idea when the development is likely to take place. However long the delay may be, I should like it to be noted that the Coast Province should also receive attention when the time comes.

With those remarks I support.

Mr. HOPKINS (Aberdare): Mr. Speaker, I am speaking so late in this debate that most of the points which I wished to make have already been adequately covered by other speakers on this side of Council. There remains therefore only one or two matters which I feel I should like to emphasize.

While those of us who are on the side of economy realize that it would not only be unwise but impracticable to press for any drastic reduction in the 1950 Estimates at so late a stage, I do, however, hope that Government will appreciate that the efforts which we will make to bring about some reduction in expenditure are merely the beginning of a prolonged and concerted effort on the part of a number of us to break down the system which has grown up in the post-war years of budgeting each year for an

expenditure enormously in excess of that of the previous year and we are intending to see that this procedure is not extended into 1951 and subsequent years. (Hear, hear.) In warning Government of our intention to do our best to effect economies, I think I should be wrong if I did not also draw the attention of the country to the fact that, if their members are going to be successful in these intentions, they themselves must be prepared to make some sacrifice.

In past years I have noticed that for about one month in the year when the budget is before the country, the European members of the community are unanimous in criticizing the huge expense of Government. They spend the other eleven months of the year to a large extent in pressing their members to obtain for them further services and better services—(hear, hear)—knowing full well that these must cost extra money. Now, I feel that in this matter that the African and the Asian population is far more consistent. So far as I can see they spend the whole of the twelve months asking for extra expenditure! (Laughter.)

The study of expenditure in the post-war years will make it clear that it is now more or less an established custom for Government to ask for supplementary appropriations to an extent which makes the budget as approved by Legislative Council a completely unreliable picture of what it costs to run this country. As has been pointed out by the hon. Member for Trans Nzoia, supplementary appropriations in 1949 will in one way or another amount to something like £1-million. We must not lose sight of the fact also that a lot of this extra expenditure involves us in recurrent commitments, so that it inevitably affects the expenditure in subsequent years. It seems to me clear therefore that any attempt that we shall make to bring down expenditure must be directed in the first instance to a drastic curtailment of the expenditure under the heading "Supplementary Appropriations"; and if we are going to achieve any reduction in 1951 we must scrutinize and resist very strongly supplementary appropriations in this coming year.

These supplementary appropriations have been made easy in recent years by the buoyancy of revenue, which has

[Mr. Hopkins]

always been so much in excess of the estimates that it has been quite easy to provide for them. Now the hon. Financial Secretary knows better than any of us that in this coming year we are going to have a lot more demands for supplementary expenditure, and I shall be most interested to hear what scheme he has in mind for dealing with this situation. Has he deliberately budgeted for the small surplus of £105,000 in the belief that although revenue will not rise to the extent it has in recent years it will, nevertheless, be so much in excess of this figure of £105,000 that it will cover supplementary appropriations? Has he, on the other hand, intended to get this supplementary expenditure from surplus balances? If that is the case, I shall expect him to put up all sorts of arguments as to why our suggestion that the surplus balances should go into a tax equalization fund must be resisted, or that, at any rate, all of it cannot go into this fund.

On the other hand, is he genuinely going to see that applications on the part of heads of departments in 1950 for extra expenditure are firmly resisted? I must say I was extraordinarily surprised that in the hon. Financial Secretary's otherwise most lucid statement no detailed reference, or practically no reference at all, was made to this most insidious form of increasing expenditure over and above what is sanctioned by Legislative Council.

Finally, I should like to support those hon. members who have protested against the small amount of money which has been allocated to the productive services. While I am not one of those who believe that agricultural production can be increased sufficiently rapidly to meet the enormously increased recurrent expenditure which the hon. Financial Secretary has visualized will take place in the next few years, I do most earnestly believe that if we continue to starve the productive services as we have in the past and as we are doing this year there may well come a time, far sooner than we expect, when our natural resources will not be able to contribute to the wealth of this Colony, even to the extent that they do at present.

In a country like Kenya, where climate, altitude, soil, rainfall all vary

so materially from district to district, and in fact even over short distances, it seems to me necessary that we must have investigation, research and experiment on a large and extended scale before we can decide with any certainty how we are going to step up our agricultural production by balanced and correct farming to the extent which we all believe is necessary.

\*Sir, I beg to support.

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

THE SPEAKER: Is any other hon. member rising to speak?

MR. OHANGA (African Interests): Mr. Speaker, the African case has already been put by my colleague Mr. Mathu, and I have only a few remarks to make. In doing so, I should like to begin with the revenue side and to deal with as many points as I can which were raised after my hon. colleague had spoken.

Poll tax. During the few weeks that have gone by the public in Kenya has been informed of the necessity to increase the African poll tax, particularly by the European elected members. This is an increase we have expected, but at times some of us wonder why it was necessary, because the main duty of the legislature is to represent the whole of the country, but some happen to represent only a racial group, and how the interests of a racial group could be enhanced by an intense criticism of the African is a question to which none of us can supply an answer. But, as the hon. member Mr. Mathu said, any proposal to increase the African poll tax in its present form at the very high rate which goes up to fifteen shillings a head in some places will be opposed by all Africans everywhere.

The reasons for this have already been given, and I will not weary the Council by going through them again, but those of you who know anything about Africans and the reserves in which they live know that the detention camps are full throughout the year and that a high percentage of that population is tax cases. That is evidence that taxes have really risen to a level that the majority of Africans cannot pay them and any increase proposed by the European members or anybody else will be opposed by us. The poll tax rate of fifteen shillings

[Mr. Ohanga]

a head paid in many provinces is a very heavy burden on the poor man and the proposal announced this morning by the hon. Chief Native Commissioner that a system will be put forward for a graduated form of tax I think is a point worth considering. It is the only satisfactory way of collecting tax from the individual, but I shall differ from the hon. Chief Native Commissioner on one point; that is, the scientific point. It is guesswork trying to estimate the capability of a person to pay by his taxable capacity without first going into his real position in life to make sure that he is worth what we think he is worth. On that point I differ from the hon. Member, and I regard it as very vital. There should be no graduated poll tax before a survey is made which will give everybody the opportunity of having his economic position examined, but without a survey and a proper assessment of income and ability to pay it is even more unscientific than the present poll tax. On that point I feel that perhaps more consideration might be given as it might make it difficult to carry out a suggestion which is very helpful.

About the productive services, the African depends mainly on what he can produce from the land. I think there are two: natural resources and an economic one, the wage-earning system. About the natural resources, the African has his bit of land and cattle and goats and sheep, and upon these he and his family subsist, and from what they can afford after that they pay their taxes. The social services of this country, although they have been in existence for a number of years, cannot boast of any real progress in helping the African on his land. We have had veterinary services for some time, and I do not know if the member responsible can tell Council that since those services have been introduced the African herds have increased, or the amount of ghee, meat or milk have been increased. I happen to live in Nyanza Province and I still maintain that the productive capacity of Nyanza Province in 1923 was just as high, or even more, than it is to-day. We used to produce a lot more maize in that country than now, and if the export figures for 1922 and 1923 could be examined that would be borne out. A

few measures have been introduced to improve the agricultural and pastoral industries of the country, but little has been achieved up to now.

It appears to me that we have not got a comprehensive policy for increased production in the African areas. Effort seems to centre mainly on long-term measures that can produce no immediate results. The chief agrarian task in the country to-day is soil conservation. The progress that has been made in that line is most encouraging. But this in itself cannot supply the day-to-day subsistence needs of the Africans. To be able to do a reasonable day's work men must eat. Increased production of foodstuffs ought to be encouraged as much.

Last week I was approached with a number of cases in the Central Nyanza district where suffering had been caused. The people said that their crops had been ruthlessly destroyed in the process of carrying out soil conservation works in that district. On inquiry I was informed that that was the result of an order from the district commissioner, that when trenches were being dug no serious regard should be paid to the ripening crops. The outcome is that acres of maize, beans and other crops had been ruthlessly destroyed. The African farmers concerned were severely intimidated by the authority. There was great perplexity throughout the country. I shall be seeking information from the authority concerned on this matter. I cannot myself at the moment see what cause can justify an action so inhuman for depriving these poor Africans of the food without which they and their children cannot survive. Quite a few of these African chiefs who rule suffer, in my opinion, necessarily because they have not got the necessary technical knowledge to see that their people do agrarian works, for which I think they were never really appointed.

About the African land generally, no increase in production from the land is possible now, it does not matter what anti-soil erosion measures you undertake and how thoroughly you do it. I do not think that the land in the African land units at the moment can be really made capable of producing more crops than they do now. I am thinking, of course, of my own area. You will find that in

[Mr. Ohanga] North Nyanza practically every bit of land, apart from the forest reserve, has already been cultivated. Some of it has been gone over so many times that the soil is tired and can produce no more and unless manuring processes can be brought about or unless some virgin land can be obtained production in parts of that area I think has come almost to the limit. It is not true, on the other hand, to say that all the resources have been exploited. There are a few swamps and tsetse fly infested areas which have not yet been worked, and once the fly has been eradicated and water made available perhaps a little more can be done.

But I say generally that the land in the African land units is already too crowded to be made to produce economically, and if the general standard of production in the country is to be raised it seems to me that there is a very real need for more land to be made available somehow, somewhere. For the question of land in this country is a bitter one and difficult to discuss, and I do say that to reserve large areas of fertile land needlessly, without being made productive, while there are people who can work them and make them productive, who go without land, is a system which cannot be supported. Every bit of land, it does not matter where it is, must be worked to its capacity in order to increase production, regardless of who owns it or who is in charge of it, and so on. What we want is more production and a better standard of living.

Now for wages. The third avenue of raising income or raising the wealth of the African is wage earning. African wages have lagged behind for many years. African manual labourers who are employed in the settled areas suffer a lot of hardship in the way that they live and in the way that they try to do their work for their employers. It seems to me that the time has now come when the Minimum Wage Ordinance should be made to cover the whole country. The standard of wages, the standard of nutrition, the standard of treatment generally, should now be brought to a level which could be considered fair by the application of minimum wages legislation which would enforce so much per month

in all areas regardless of the particular type of industry, and in that way only can we really bring our wages system to a standard which will be good and sound and more in line with the cost of living throughout the country. I realize that the Minimum Wage Ordinance applies in certain areas, but my point is that it should now be made to operate everywhere in the country regardless of where the people are or the work they are engaged in.

Housing standards. I visited some areas of the Trans Nzoia some time ago with the Labour Commissioner, and he took me to areas where housing schemes are going up. I think the employers of labour employed in that area have tried to raise the standards of housing, but it seems to me that the housing generally of the African labourer is still very far behind in that many of these houses only provide for single people, whereas nearly all the employees are married people and are forced to live singly in these places and for longer times than are really desirable. There is a general desire that the African should stay longer at work, but no provision has really been made to make the African labourer stay longer at his place of work. Accommodation is difficult and he cannot bring his family. Moreover, the conditions in some of the settled areas generally are becoming so difficult that you cannot really expect Africans to be at home in those areas.

May I cite one example in my own area of Nyanza? Only a short while ago the settlers in that part of the world decided that they would no longer allow the squatter, or resident labourer, to keep any cattle or grow any corn on the land. I am sure that is a decision which was unfortunate. If the Africans are going to be persuaded to stay longer and work harder the conditions under which they work ought to be made more favourable. The resident labourers in Sotik and Songhor and all those areas have been for many years helpful to the people who employed them. They have always been allowed to grow corn and to have cattle, but now the plan is that none of them should be allowed to keep any cattle or to grow any corn that can be eaten or sold. I am quite sure that is a decision which is going to make it much more difficult to get African labour, and we

[Mr. Ohanga] would like to see the whole position changed.

It seems to me that, although the resident labourer type of man is useful, the large majority of people employed still come out of the reserves and, as has already been pointed out by the Member for Labour, it is true that these people who come out of the reserves, in order to man the settled areas are potentially the people who should be developing the reserves, and they are almost 40 per cent of the able-bodied manpower in the reserves. Their continued absence from the reserves is a factor in the backwardness of the reserves so far as production is concerned. We should like to see the whole of this system put on a much better basis. First of all I myself am very dissatisfied with the present system of recruitment, particularly of labour. I should not want to see continued and without any limit at all the system of professional recruiting. The people who want to recruit to get money in order to take what they can get out of it and accept no responsibility whatsoever as to what happens to the labourers afterwards I think are almost a menace. They make certain statements for which they themselves do not accept responsibility and, once the labour has been enticed to come out by these people who are only out to make money and not accept responsibility, you will find the people get a lot of dissatisfaction, and I say that ought to be discontinued when possible throughout the country.

As to wages generally, to increase the African productivity, as has been said already by several people and by my hon. friend the Member for Eastern Area, Mr. Patel, it seems to me that the only way we can expect increased output at all in the settled areas, or in the reserves, is to try to improve the living conditions of the individual worker. The living conditions of the individual must be improved long before he can be expected to improve his own output. It seems to me that, although the argument is that education is unproductive, education is the key to all production and is the key to all improvement, and one day we shall have to give more attention to education for the African before we can progress in any

way. It is ignorance, and ignorance alone, that is our enemy in this country, and if we can overcome ignorance it is possible that we can see very big leaps ahead in the field of production.

So much about revenue. On expenditure I have only a few remarks to make, and I start with Administration. Already my hon. friend Mr. Mathu has pointed out that the Administrative officer in the reserves spends most of his time on questions of law and order. I want to make an addition to that. They spend a great deal of their time on agrarian questions which, in my opinion, are not necessarily administrative, and the interests of the people do suffer because these officers concentrate on matters which seem to be a little outside their own spheres, and at the same time enter into a field in which special people have been appointed to carry out certain duties.

A few years ago an experiment was carried out by the appointment of a few Africans as assistant administrative officers. I hope the experiment has worked out well, and we should like to see the status of these people increased a great deal more. In his speech when the scheme was being introduced my hon. friend did point out that the African administrative assistant should not be a glorified clerk. They are not in these terms actually glorified clerks of the district commissioner under whom they work, but it seems to me that it is difficult to regard them as district officers even now. The other day I tried to get at the real position by putting a question, and I got it, and they are not going to be district officers but merely administrative assistants. I remember that in this Council not so long ago an opposite statement was made on the opposite side to the effect that so long as these people were in the field the sky was the limit to which their capabilities would take them. That does not seem to me to be correct just now.

Now, before I leave Administration, chiefs. I think the position of the chiefs in the reserves is not a very sound one. There have been general complaints brought to me of unfair handling of individuals. Some of those Africans who have been made chiefs over the people have been handled in a way they did not like. They have sometimes been



[Mr. Ohanga] handed in the open by the officers above them in a way that makes them feel degraded before the people they rule. I should like to ask that the African chiefs, wherever they have been appointed as such, should be given some respect and, if they have to be dealt with on questions of that kind, it should be done in a manner that does not belittle them before the public.

On the Medical vote I have not very much to say, but there are one or two things in connexion with the department that I should like to say in passing. As many of you realize, Nyanza Province provides most of the labour and manpower for agricultural places in the country, and it seems to me that we ought to try and concentrate more on some of the things which would make the people in this part of the world capable of carrying out some of this work. As you know, in Nyanza we have yellow fever, which is a terrible enemy of humanity. In addition, we have sleeping sickness and only recently we learned that leprosy is rampant throughout the country. Malaria is also rife. Year by year practically everybody in the district suffers; a very large number of children die because of malaria. I am not satisfied that the measures taken against malaria and the mosquito that spreads it are sufficient. I should like to see a much more ruthless attack on malaria and curative measures than goes on now.

Many people suffer from sleeping sickness, a disease which is again peculiar to that part of the country. Sleeping sickness reduces the amount of manpower which we expect to get out of the South Nyanza district. At the moment about 700 people are dying of sleeping sickness. Many more will suffer. Someone has been there to clear the bushes which harbour the tsetse fly, but on close examination it will be seen that most of the clearings that have been done in that part of the country have been against the tsetse fly which does not spread human disease but animal disease. I thought man came before animals. I should like to know why it is necessary that animals should be saved before the people.

THE SPEAKER: The hon. member has nearly exhausted his time.

MR. OHANGA: I have nearly finished. About education, all I want to say is that it does not matter what we say or do we shall not get anywhere in trying to make education popular among Africans unless the basis upon which education services are carried out are made better and sounder. Somebody should accept responsibility for the education of the African. It seems to me that the local authorities and the Central Government are leaving the whole question of education to private agencies. That is not good enough. We would like to see a much more regular and settled authority undertaking the whole system and make quite sure that education is done as well as possible.

My hon. friend Mr. Mathu has commented on the Public Works Department. Before I sit down I should like to touch on the question of roads. In Nyanza we suffer more than anybody else. We have nearly two million people there and the question of roads is more than we can bear. It is difficult to get anywhere in Nyanza in any part of the year, it does not matter whether it is wet or dry. When it is dry you are covered in dust and when it rains you dare not face it. We would like to see a few hard-surfaced roads in that country. No development of any kind will take place until we have better roads.

LABOUR COMMISSIONER (Mr. Hyde-Clarke): Mr. Speaker, I only rise to deal with one or two points made so far. I would like to take up the hon. member Mr. Mathu who, in my opinion, made a most excellent speech. But he impaired that speech by a statement in regard to wages which I am sure he regrets himself as much as anybody else.

It is entirely incorrect to state that the wages of African labour are six shillings, seven shillings or ten shillings, and I hope that he himself will take an early opportunity of putting that matter straight. Much has been said about the movement of wages and the cost of labour. I think it is extremely important to state again as I stated last year and two years ago, that the cost of the labourer to his employer when it is totalled, when you put on food, housing, when all those elements are taken into consideration the total is, as stated by

[Mr. Hyde-Clarke] the hon. Member for Kiambu, something of the order of thirty-five shillings or even forty shillings a month. We have been at fault, and I say so advisedly, in allowing the idea to grow up that there is a prescriptive right for the employee to have free food and housing, because it gives him the idea that these cost nothing at all, and I take the opportunity of bringing that home again, that these are the main aspects of the cost of labour.

The next point is as regards the remarks made by the hon. member Mr. Ohanga. I am sorry to have to say this, but if he knows as much about his own area as I think he should, he would know that professional recruitment was stopped with effect from the beginning of last year. No professional recruitment is going on or is allowed, and if he will bring to my notice any case in which professional recruitment for the sake of making money occurs I will take the strongest possible action. We are entirely in agreement. It is an unhappy and unsavoury procedure, but we have stopped it.

The final point I will take up at this stage is that, again, it is not correct to state that in parts of his province there are proposals to remove cattle from the resident labourer and prevent him from growing corn. The proposal is an overall one, to reduce dependence upon the resident labourer system, and it is true that the policy will be to reduce the cattle, and even to remove them, but so long as there are resident labourers and so long as this system of agricultural production is to continue it is quite wrong to say that they will not be allowed to grow corn.

There were a number of other labour matters raised in this debate, but I think it will be more appropriate to deal with them at a later date when considering matters of detail.

I beg to support the motion.

MR. PRESTON (Nyanza): Mr. Speaker, it was not in fact my intention to speak, but so much has been said to-day that I feel I must add a small contribution to this debate.

Much has been said and some of us have been accused of being dismal be-

cause we have felt that it is only right that we should insist on adequate reserves and an adequate contingency fund to cover shortfall of estimates, but if we are to find the extra £44-million which we shall require during the next five years to meet our recurrent commitments, then the only way we are going to find that is by increasing our production to its fullest extent in both non-native and African land units.

With regard to the latter, considerable progress is being made in these African land units. This is a subject of which, until recently, I myself did not have a very great knowledge, until I recently took the opportunity of going around some of the areas, particularly in Nyanza, and I must say that I was astonished to hear the hon. member for African Interests, Mr. Ohanga, indicate that he did not really think that the agricultural officers were doing all that they might do. My own impression was that there was a group of officials there doing devoted and non-self-seeking work for the benefit of the African community and, moreover, that they were making considerable progress in planned farming.

The hon. member said that this land in Nyanza was more productive in 1923 than it is to-day. That I have no doubt is true. What has, of course, happened is that from 1923 onwards, before soil erosion measures were introduced, the land has been steadily deteriorating. Consequently if land deteriorates it has to be put right before it can go back to its proper carrying capacity.

As regards the assistance rendered by the Agricultural Department, I understand that rice is now being grown in North Nyanza in considerable quantity, and I believe it is entirely due to the efforts of the Agricultural Department in an attempt to try and spread the crops and try and reduce the very high proportion of maize grown and to bring along other crops so that you get farming and balanced agriculture rather than a monoculture.

We have heard a great deal said about labour and the reasons why labour does not go out to work. I think that matter has been adequately dealt with by both the hon. Member for Kiambu and the Labour Commissioner, but in case there is any further misunderstanding on the

[Mr. Preston] subject I should like to say that on the estates over which I have control as far as I know the minimum signing-on wage for adult labour is fifteen shillings, plus housing and food. We have also heard that African wages have remained at a very low level for a long time. In point of fact African wages have doubled during and since the war years. It has also been said that housing on the estates where Africans go to work is of a very low standard. I would draw hon. members' attention to housing by the tea companies at Kericho which, to my mind, is vastly superior to the standard of housing I have seen in the reserves. It has also been said that the employer does not encourage families out to an estate. In point of fact the tea companies do everything they can to encourage their labour to come with their wives.

We have heard references to malaria and tsetse fly, and I feel myself that a good deal could be done by self-help in the reserves, if people would attend to their own drainage and get on with bush clearing. I do not think these problems would be of such magnitude as they are to-day.

I do feel that the burden for the development of this Colony is a matter in which all must play their part, and the burden for the development and further development of this Colony must be shouldered by each of us in accordance with our capacity. I do believe myself that if every man would take up his burden according to his strength then we shall make this Colony well able to carry the rising recurrent costs which face us.

I beg to support.

MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (Major Cavendish-Bentineck): Mr. Speaker, I am going to prolong somewhat unduly the length of this debate, because I feel that a number of subjects have been raised to which I must refer in some detail in order to provide what I consider is the right background for the consideration of this budget in detail.

I would like to allude first of all to the subject which has been alluded to by nearly every speaker, the statement that primary production in this country

is alleged to be worth £11-million, of which £9-million is produced by European enterprise and only £2-million by African effort. Incidentally, I should like to point out that the African has also to feed himself and that he probably produces over and above that which comes out to the market—I am afraid that our statistics are not sufficiently accurate to give absolutely reliable figures—from nine million to twelve million bags of maize in the Nyanza Province alone. Nevertheless, I do not, of course, attempt to dispute the figures quoted, nor do I attempt to dispute that there is enormous room for improvement both in African production and in European production so far as that goes.

Several speakers did suggest remedies for this state of affairs, suggestions for improving the African potential, and their remedies, so far as I can gather, were mostly to the effect that Africans should grow cash crops which would command higher prices. I will deal with these crops presently, but I should like to say this, that in making these suggestions they have missed a good many fences. It would be like discussing the Grand National when the riders are going past the grandstand, having already got over Beecher's Brook and the Canal Turn, and I should like to refer to what we might call the Beecher's Brook and the Canal Turn obstacles.

It was very gratifying indeed to hear the hon. Member for Trans Nzoia, who is unfortunately unwell to-day, say, which other hon. members have repeated, that they were astounded at the improvement in the standard of agriculture in the African areas. Why I am so gratified is that hitherto I think I am correct in saying that year by year, and almost every time there is a session, we have had people getting up and telling us that nothing whatever has been done.

The hon. member was good enough to pay some compliments to myself, but I would like to say this, that the real credit is due to the officers of the Agricultural Department, the officers of the Veterinary Department and, perhaps above all, the Administration and the provincial and district teams. (Applause.) I think that this idea of creating provincial and district teams has probably done more for African progress as far as agriculture is concerned than anything else that

[Major Cavendish-Bentineck] has ever happened. It may sound a small thing, and some of the administrative officers of the older school may not agree with me, but I have, nevertheless, been out here a very long time and I am quite sure we have inculcated recently an entirely different spirit in what I might call agricultural administration in this country. The administrative officers, in conjunction with the agricultural officers, assistant agricultural officers and veterinary officers, and in fact in collaboration with all the technical officers of Government in these areas, now feel, I believe, that they have a call, that they have a really worth-while objective to accomplish, and all realize now that they are all cogs in the same machine, and that I believe has been an enormous step forward.

What was the picture that these provincial teams had to face? I want to stress this because I am going to show that a great deal of money is being provided by the Africans themselves, and I do not want it to be suggested, if I can help it, in the course of this debate that, because the African areas are only contributing, as they say, £2-million, Government can afford for one moment to draw back on its plan of the expenditure that is going on in rehabilitation and development in those areas. (Hear, hear.) What was the position? The position was that there was a vast mass of—I will not use the word "primitive" because I know the hon. member Mr. Mathu objected to it last year—but may I call them immature and extremely suspicious peasant cultivators, practising a subsistence agriculture often in very overcrowded areas, and of course it is true that they were, and still are I am afraid in many cases, destroying the land. In order to lift—I think that is the right expression—these people out of this morass, out of these difficulties, which obviously it was our duty to do, we had first—and this is my Beecher's Brook simile—to prove to them that by adopting the methods we suggested they really were going to benefit themselves. It was not easy to get that belief established, any more than it was easy in European countries to persuade some of the old-fashioned type of peasant cultivators that there were better methods.

We had to provide the African, above all, with reasonable prices, with agricultural practice which he could adopt himself to stabilize the soil and prevent further destruction. We had to organize a marketing system and a transportation system and so on which people often forget and which are necessary if you are going to give people a decent price. I do not believe, and I am sure hon. members opposite will agree with me, that these things can be done entirely, or indeed that any success can be achieved, merely by regimentation and savage regulation. There has to be possibly a certain amount of persuasion, I would call it, in order to get the African, and especially the African leaders, on our side. In order to provide for rehabilitation, in order to enable the African to help himself—remember I have already stressed that we are dealing with people who were merely practising subsistence agriculture, with no cash and pool reserves, only selling when the rains came the surplus that they had over what they ate themselves—and we had to somehow provide them with the means of improving their agricultural methods.

Now we come to what has been, I think, one of the greatest advances we have been able to make, and that is the creation and utilization of betterment funds. We have, as you know, purchased the Africans' crops, and from the sums paid for those crops there are certain deductions which go into a betterment fund. From the moneys thus deducted the African people can utilize now up to 50 per cent for such purposes as hospitals and schools and other institutions that they feel they wish to have. From the other half various agricultural facilities and betterment measures are financed for their own benefit. For instance, it has not been found very sensible to allow Africans to purchase and operate, even if they were in a position to do so, their own machinery. Very few Africans have the capital necessary, and what happens is that they probably buy a very old tractor, or something of the kind, which generally breaks down and is more of a handicap than assistance. Therefore we now have machinery (purchased under the Agricultural Betterment Fund, operated by European officers) which goes round and does a whole lot of work in the African areas.

[Major Cavendish-Bentinck]

In some areas we are paying twenty shillings an acre as a bonus for those Africans who are prepared to lay down grass leys under suitable conditions. It must be remembered that laying down a grass ley is not all that easy, it is expensive, and probably means that for some period of time that man is deprived of any crop. I only quote these, as examples of the way these funds are used. A lot of assistance is given towards the manufacture of compost, which is being done on a vast scale, the purchase of manure, the making of ox-carts for carrying manure (selling them at half price or in some cases giving or lending them) and wheelbarrows and a host of other helpful measures of that kind.

Why I am stressing the betterment funds so much is because I do not think that it is generally understood how they operate. Taking last year as an example out of the Colony's final price for maize, the breakdown was roughly as follows. Produce prices differed, of course, in the various districts, but I will take Nyanza Province as a point, as there are various differences in the price paid to the producer according to the transport involved from that particular area. But taking one area, the central part of Nyanza, the producer gets Sh. 12/95 per 200 lb. That is, of course, for native maize, brought in locally in any quantity. In addition we have to pay a trader's commission of 70 cents and the trader's loading charge. We employ traders to act on behalf of the control in order to bring this maize in from the out-districts. Then, out of the total price we have to meet the cost of control storage, and there is the betterment fund. The betterment fund contribution is Sh. 3/40. Over and above that there is a payment of Sh. 2 per bag for the better grades of maize, K.2 to K.7.

It is not possible for maize that is delivered in very small quantities by thousands of natives at hundreds of markets all over the Colony to grade in debi-loads and so on. The individual grower therefore cannot be paid this extra two shillings unless—and I am coming to this in a minute—he is growing it on a reasonably big scale. For this reason we carry out tests periodically to see what proportion of the maize coming in is K.2 to K.7, and in Nyanza

we find it is about 70 per cent. On this basis the control pays the Agricultural Betterment Fund an extra two shillings in respect of 70 per cent of the bags. That, as you can work out for yourself, works out at about another Sh. 1/40. Last year into the betterment Fund went the Sh. 3/40 which is contributed by the producer, and Sh. 1/40 which is the amount in respect of the higher grades of maize.

It is very important, I think, that where Africans can show that they are growing crops, for instance, on a rotation, that they are adopting all possible methods of preserving the fertility of the soil, that where they are in a position, instead of selling in small dribbles, to sell in reasonable quantities and deliver at points which may be desirable, and generally where they are adopting more modern methods of farming to let farmers see that it pays by letting them have the highest possible price. Indeed, to let them see that, as and when and if they can now and at some future date fulfil precisely the same conditions of delivery as other people growing maize as a business and on a big scale, they will get exactly the same price. I stress this because the hon. member Mr. Mathu said yesterday something about the same price for the same "stuff". I agree with him, the same price for the same "stuff" at the same stage and delivered under the same conditions. What I mean by "at the same stage and under the same conditions" is that we want that "stuff" to distribute to the country, and therefore there must be a stage at which that "stuff" is worth so much, and I think the hon. member will agree with me, because we have not had any difficulties over this argument during the last few years.

A policy that we particularly wish to encourage and which is going to be the saving of a large part of the reserves is group farming. I have perhaps overstressed the peasant cultivator existing on subsistence farming, but you cannot rapidly move hundreds of thousands of people of this type. I am not as pessimistic as the hon. member Mr. Ohanga. I am quite convinced that we can rehabilitate the land and get a great deal more out of the land towards carrying its present population. But to do that we have to completely alter the methods of cultivation.

[Major Cavendish-Bentinck]

Those hon. members who have been in the reserves recently may have seen model "group farms" or actual "group farms". What we are trying to do now is this; to get a group of Africans to agree to work together. The soil conservation officer then goes there and terraces that block of land belonging to a whole number of African individuals. Between terraces we adopt a rotational system of cultivation, including a system of grass leys and some leguminous crop which is reaped each year. We are getting a very long way with that form of co-operation. What we have not yet been successful in doing is to get these groups of people to market their produce as a group; they are still rather suspicious of each other and desire to market their produce individually. If we can get the people to farm in that way, rotational farming by a group, but in addition selling their produce, storing their produce, and grading their produce as a group, we shall have achieved an enormous advance, and we are going quite a long way in that direction. To people who can and will do this I say we should pay full price; in fact, the same price as to a European farmer who, incidentally, has to keep his grain in store for at least four, sometimes nine, months, bag it, grade it, transport and load it on to the truck, and he does not get his full price until he has done a whole host of things that the African does not and cannot do at the present time.

I am afraid that I have taken quite a lot of time over this as I am leading up to another matter mentioned. That is the subject of the maize price this year. I think the background I have given will enable hon. members to look at this matter from a realistic and, at the same time, an absolutely fair viewpoint.

Government gave an undertaking, as was mentioned by the hon. Financial Secretary when introducing this motion, that to meet the increased costs of production there would be an increase given in the guaranteed price. In the early part of 1949 it was agreed that the minimum price of twenty-one shillings was the right price for maize. During the course of that year it was shown that costs of production had risen considerably. The committee that found that consisted of two consumers of maize (a coffee planter and

a sisal grower), a chartered accountant and one maize grower, and they were assisted by officers from the Statistical Department, one of whom was a statistician and one a trained economist, the committee being under the chairmanship of the late Director of Agriculture. They found that costs had risen to those who farmed properly by something like three shillings and they suggested an acreage grant to meet this increase. They drew attention to the fact, of course, that they were referring to maize produced commercially for sale on a large scale, and they drew attention to the fact—and this may raise an argument but it is nevertheless true—that there is a vast difference between producing maize mechanically and employing a lot of paid labour with all its costs and merely selling peasant farming produce surplus over subsistence. The difference in actuarially worked out costs per acre is very large indeed, about seven shilling to ten shillings.

Had it been possible in order to fulfil the promise Government had given we would have given any agreed extra payment in the form of some allowance or bonus, making quite sure that the conditions attached to that extra payment had been fulfilled. Unfortunately, the wording of the law under the Increased Production of Crops Ordinance, did not give Government powers to give a bonus or to make this sort of payment, and we therefore had to do it another way, and we were most anxious to adopt the fairest way possible from the point of view of everybody and all races, and it will be seen that in the notice published we have done it this way. The non-native farmer has been guaranteed the full price of Sh. 23/40, but the wording of the notice has been slightly altered from the wording of previous notices. Under the law of the land to-day a man only gets a guaranteed price on condition that he holds the crop in trust, under section 22 of the Ordinance, on behalf of Government, delivers when ordered to, takes due care of it, and so on, and also under another section he has got to observe the rules of good husbandry in connexion with his farming operations and must comply with any orders made in connexion with such operations. We are again sending around a special circular to production committees drawing attention to the law as it stands to-day,

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in other words, if people do not farm reasonably decently and if they cannot satisfy these conditions they are not entitled to this increased price.

Incidentally, let me say this, and I have repeated it more than once in this Council, that we are extremely strict nowadays with European farmers, and you will find quite a number of farms closed with their owners in some cases looking at their farms, scratching their heads, and wondering what is going to happen, because we cannot allow people to completely ruin land which belongs to the people.

As regards Africans, we have provided that if a producer has delivered his maize to railhead or control stores properly bagged and in lots of ten tons or more and has conformed to the requirements of good husbandry, including the maintenance of the fertility of the soil, he also can receive the increased price. In other words, I have tried to be as impartial as possible in making this arrangement, but I take it that it is appreciated that in point of fact during these last few years very few Africans have qualified through their own efforts. I believe there will be some this year. There are a number of Kipsigis and some Kitosh and possibly a few others, but, as far as I am concerned, the more there are the better I shall be pleased.

I would at this stage like to say something about maintenance of soil fertility, because the hon. member Mr. Ohanga did suggest that our soils were going back and back but nothing was being done. May I draw his attention to the Kipsigis area, where they used to get 15 to 20 bags to the acre, which went down in some cases to about two, and if he goes there he will find that they are getting back again to nearly where they were before. (Hear, hear.)

No doubt these matters will come up again when items of expenditure are discussed, but I did want to say a good deal on this subject first of all, because I do not want anybody to think that we are perpetrating a gross injustice on any section of the community. We have been trying to deal with a difficult situation by the fairest methods to everybody concerned, including the consumer. We have decided that next year we shall probably employ a different formula. This formula

may not be based on increased costs calculated on a Colony average return per acre; it may be based on what it costs to produce under normal conditions an optimum or an economic optimum yield, with an allowance either upwards or downwards, and possibly some allowance as in Southern Rhodesia for good farming.

Having now, I am afraid, wasted a great deal of time on that, I should like now to mention one or two other things that have been brought up during the course of this debate.

The hon. member Mr. Mathu suggested, and so did other people, that we should improve native cultivation and cash returns to Africans by allowing them to grow a whole list of cash crops. I should like to refer to that if I may. One suggestion was that not enough assistance was given by the Agricultural Department to African areas. In fact it was almost suggested—I must say I rather resented it at the time—that the officers of the Agricultural Department were unduly biased in favour of the European areas. May I just read out the number of agricultural officers employed by Government and employed in each area? Sixty European officers are now employed in the African areas, and seven European officers are employed in European areas, plus 19 assistant soil conservation officers doing soil conservation work with machinery in European areas. We have, of course, specialist services like soil chemists, entomologists, people of that kind, and specialized office services who I think I may say are equally occupied with European and African work. As an example, the Coffee Services have been working on the coffee mealy bug. They found a method of controlling this pest not only within limited European areas but their work has been very useful to such Africans as grow coffee, and has also saved their yams and other plants over a very wide area which are susceptible to this disease.

The other thing is on the subject of growing more cotton. The present crop in Nyanza is 6,800 bales, which we are trying to raise to 15,000 bales in the next few years, but cotton is not all that popular. A drive is in progress, and we have now got some £50,000 for investigational work out of an old cotton cess fund

[Major Cavendish-Bentinck] which we are spending. The Coast Province are trying to raise their cotton crop from 1,200 bales to 2,000. It is a very small thing there.

Coffee was mentioned. I hope people realize that coffee is a very highly specialized crop and you have got to go for quality before quantity. Actually we are encouraging Africans to grow coffee on quite a big scale. At Meru we have 500 acres at present, and we hope by 1952 to have 2,000 acres of African arabica coffee. At Embu we hope to have 500 acres by 1952. It is all very well for the hon. member Mr. Mathu to suggest that it is the duty of the Agricultural Department to ensure the protection of Africans from disease, but I have some fairly bitter recollections of C.B.D., for instance, wiping out coffee in Sotik. It is not an easy crop, and we do not want to encourage Africans to go in for a crop of that kind until we have got all the things that I have been talking about going on sounder lines than at present. *Robusta* coffee has also been mentioned. It is not really a good crop for this country. It has been tried. My hon. friend the Director of Agriculture, I think, feels that our conditions are not humid enough. We are, however, trying it at the coast and in Nyanza Province.

Tea was mentioned. Tea, again, is a highly specialized crop which is receiving attention. We have a new Tea Ordinance under consideration and we are drawing up rules for growing native tea under the Production and Livestock Ordinance. We shall soon gazette two areas, one in the Central Province and one in Nyanza. There again, tea must be grown by Africans under strict supervision, and unless they are prepared to co-operate with the department I am quite certain we would be utterly wrong to encourage the growing of it in a haphazard manner. The same can be said of pyrethrum. There is a limited quantity being grown by Africans, and we do not stop them; on the contrary, they have produced a certain amount and delivered it to the K.F.A.

Rice is an unpopular crop, but there is room for a considerable increase, and I was a little astonished when I heard the hon. member Mr. Ohanga say that every bit of North Nyanza was cultivated and recultivated and that nothing more

could be done there. If I may say so, I have known that country for a very long time. It was largely a pastoral country for a long time, and still is. Probably the best meat used to be exported from there, milk and so on, and ghee, but latterly the population has about doubled and there is now a certain amount of arable farming going on, but if ever there was an area where there were possibilities and where there is land available for putting under cultivation, where at the moment we have betterment fund mechanized ploughing in progress and where we have very big schemes for rice growing, it is in that area.

Another thing mentioned was wattle. We hope to have 55,000 tons from the Central Province next year, plus 385,000 tons of firewood. As regards Nyanza, the target is 25,000 acres in six years. The exportable value of bark next year is £1,200,000. The bulk of that comes from Africans. I would just like to skirt over these points to show that we have not overlooked these more expensive cash crops. We want to introduce them, but on a sound basis.

Another thing which was criticized was the cattle industry, and a good deal has been said about "nothing being done in respect of native cattle", and also about our methods of administration. Here again I should like, because I think it has some bearing on the budget, to say I believe there has been very nearly—in fact I believe almost a greater—change of mind in regard to cattle as there has been as regards arable agriculture in African areas. I thought that when we removed the requisitioning of cattle which we had to do during the war, it would be many, many years before we got any Africans to part with cattle. Nevertheless, we have set to work to do what we could by encouragement, education, and I must say we have had a great deal of assistance from members of this Council.

We have tried to introduce voluntary sales. We have sale yards and so on all over the country, and the Meat Marketing Board alone in 1947 bought 22,000, in 1948 39,000, and this year it is likely to be over 50,000. (Hear, hear.) Of course, in addition we encourage other people to buy. In South Nyanza, for example, no cattle are bought by the

[Major Cavendish-Bentinck] Meat Marketing Board, but nevertheless there are 6,000 offered a month, and if you add that up it comes to quite a large number. They are all sold and most of them slaughtered. I could read you letters from such places as Kamasia, where we have had successful sales, from Suk and, of course, Samburu and Masai. We have started a poultry and egg service in Nyanza. We dealt with some 31,000 fowls last year in Nyanza, but we hope to deal with about 2,000 birds a day in due course with the help of the Meat Marketing Board.

If we are going to persuade Africans to sell their cattle we have got to provide them with a market. We have to ensure them a reasonable price, and that is one of the main purposes of the Meat Marketing Commission that we have proposed, so do not again let it be said in the course of a budget debate that the only duty of a meat marketing organization is to market European stock. Its main purpose is to provide an avenue for real, decent, square trading for African producers.

It has also been suggested that our policy as regards breeding centres is wrong. It is also suggested, I believe, that animal industry should be part of the Agricultural Department. I will try and be as quick as I can in dealing with these two things. Regarding breeding centres, I agree that what we want in this country is—and this is my view; it is not necessarily the view of all officers of the department—a few real breeding centres. We want these under specialists, and we cannot afford these breeding centres in every possible part of the country where it is alleged they might be necessary. We just cannot afford them even if they are necessary. We have during past years done a certain amount of work by selection, culling and breeding from selected stock in the way of improving indigenous native cattle. We have also done a certain amount of work in crossing Sahiwal cattle with native cattle. I think we have built up in one or two places, notably, for instance, Maseno and Sangalo, quite good herds of dairy crosses. But I am not satisfied that our breeding work has the continuity or the direction it should have, and I have arranged to appoint a small directive committee consisting of people

in Government and outside Government who have had long experience of breeding cattle in this country; to advise Government on this very important subject. It is not a thing one can leave to a series of individual veterinary officers who come and go.

So much for that. As regards animal centres I have said these are no longer to be called breeding centres. They are going to be called livestock improvement and animal industry centres, and at them we want to have very much closer working with the Agricultural Department than has been done in the past. I think most hon. members realize that it is not easy to get veterinary officers and agricultural officers to realize that they are all cogs in the same machine. We have our difficulties over that, but I have in the past year arranged that there should be a committee which is presided over by one of the senior officers, consisting of the two Deputy Directors of Veterinary Services and two senior agricultural officers, and that committee sits to try and find every way and mean possible of co-ordinating the work of the two departments in such places as these centres, and generally speaking throughout the country. I am not quite satisfied even now that all is being done, and I am proposing myself to preside over a meeting with the Director of Veterinary Services and the Director of Agriculture and other senior officers.

I do not think that you could amalgamate the two departments because I am sure you could not. Animal disease has to be dealt with by veterinarians. But I think we can go a very long way towards closer working between the two by trying to run common courses at Maseno and other centres for Africans and not having two separate courses.

THE SPEAKER: Will the hon. member be much longer?

MAJOR CAVENDISH-BENTINCK: Yes, sir. I will be at least another ten minutes. Could we adjourn now?

The debate was adjourned.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Friday, 2nd

#### Friday, 2nd December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Friday, 2nd December, 1949.

Mr. Speaker took the chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 1st December, 1949, were confirmed.

#### DRAFT ESTIMATES OF EXPENDITURE, 1950

##### REFERENCE TO COMMITTEE OF SUPPLY

The debate was resumed.

MAJOR CAVENDISH-BENTINCK (Continuing): Mr. Speaker, I realize that I have been speaking at inordinate length, but I think my excuse is that as we are presenting a budget it is rather necessary to explain the principles on which we have put forward our proposals.

Yesterday, when Council had adjourned, I was dealing with points that had been raised in regard to breeding centres, as they have been called, and a proposal by the hon. Member for Trans Nzoia that closer working—not full amalgamation—might be achieved as between work done on animal industry or animal husbandry, and agriculture. I had dealt with the principle which we had in mind as regards the animal industry centres, the established ones at the moment. Such are already in existence ones at Maseno, Baraton, Sangalo and Kisii, and this year, providing that my plans are approved, new ones are being established at Kabianga, Mariakani, Nyeri and Meru. We are also going to have one new station in the Fort Hall district in combination, we hope, with the Agricultural Department at Embu.

Yesterday I touched upon the difficulties that there are in trying to get a closer working as between the veterinary services and agriculture. I could not agree more heartily than with what the hon. Member for Trans Nzoia said, that, as far as the African is concerned especially, we must get away from giving him the impression that there are gentlemen concerned with soil conservation dressed in one uniform and responsible to one person, others engaged in looking after stock dressed in another uniform respon-

sible to a second person and agricultural officers to a third person. It is all one and the same job, and we must get that across, and that is our policy. I will not say more than that now, except that, as you know, it is a very contentious subject, and those who have read Professor Bishopp's report know that he holds an entirely different view from that which I have expressed. Nevertheless, I think his view is more applicable to research and not to administration, or to the general development of agriculture.

The hon. Member Mr. Mathu suggested that not enough was being done as regards water supplies. More especially I think he referred not only to the Kamba country but to the pastoral tribes, and I think he specifically mentioned the Masai, Mukugodo, Kanasia and Samburu. Those I think he mentioned in particular. In regard to water supplies we have been under considerable difficulties, and I hope hon. members will bear this in mind when they violently attack rates of salary. We have at the moment no less than 32 posts which could be filled, posts which have been approved as essential by hon. members, for water experts, hydraulic engineers and so forth. We have so far managed with great difficulty to fill 12, and the main reason why we cannot fill them—my hon. friend the Special Commissioner for Public Works knows more about this than I do—is because the rates of salaries we offer do not compete with the rates of salaries these men get in other parts of the world and outside Government service. That has been the position now practically since the war ceased, and as I consider that water is probably the most important problem which we ought to try and solve I think this is a very serious position.

However, since the main scheme, that is our biggest single scheme for improving water supplies in native areas is, of course, the Dixey scheme. That deals with the northern frontier province, the Samburu and Turkhana. It is a scheme which is interlocked with a scheme for controlled grazing. I think all hon. members are aware that there is a very real danger approaching us from the north, from both the point of view of encroachment of the desert and the point of view of infiltration of tribes from over the border. For those two main reasons the implementation of the Dixey scheme, with the full implications for the provisions of and

[Major Cavendish-Bentinck]  
control of further water to areas of potential grazing which are not used at present because there is no water there, is of very great importance. This scheme is now in the hands of consulting and geophysical engineers, and we have tried to get over the difficulty of not having our own staff by putting out investigations to those prepared to work on contract.

As regards the Masai we had again a water and grazing scheme based on Konza, in which a number of boreholes have been sunk and which I hope will be equipped within the next two or three months, that is with pumping equipment and so on, and I hope if we are not too cut down on monetary provisions during the next year to add to that scheme by putting down another 20 boreholes and adding considerably to the grazing control. The Masai will play to this extent—that they will provide the recurrent expenditure necessary. I would say here the Kajiado Masai are helping in every possible way—I cannot say the same for the Narok Masai, but I hope we may see a change of heart there.

As regards the Kamba reserve we have put in there, as hon. members are aware, the big dam-making unit that was operating at Thomson's Falls we are putting in 25 big dams in the Kamba reserve. In addition to that, the Administration and the local native councils have a very large programme of smaller dams constructed with oxen and dam scoops. I would pay a tribute to the Administration for the interest they are taking all over the country in the provision of these smaller and very valuable dams. (Government applause.) The same applies to the Kipsigis area which has its own dam-making unit, and a lot of work, I hope a great deal, will be done in the Kavirondo reserve. Notably there is a very interesting experiment in the Kitosh area, where some time ago we made a dam and fenced it. The fence lasted about two minutes and the dam was ruined—there again there has been a change of heart and there is now a dam there again which is only partially fenced. We have not got anybody looking after it, but the water is piped out of the dam into troughs, the dam is well looked after, we have now no trouble, and our work, I think, very much appreciated by the local population. So much for water.

In regard to African agricultural finance, although the hon. member has asked what could be done, he said he knew something was being done for the provision of individual finance—finance to African individuals to assist them to rehabilitate their land. In this regard we have had a committee which was appointed by the late Financial Secretary sitting on this subject. I have the committee's report—I have not yet studied it fully because I have not had time it has only just been given to me. I know, however, that the hon. member was in the minority of one; but nevertheless I hope it will prove to be a useful document.

Nobody has mentioned fisheries, but I do regard the potential there for improving supplies and the possibility of instituting a scheme for constructing control breeding ponds as very considerable. We have recently, as you know, carried out a good many experiments on the coast. We have now our own fishing vessel, and I may say that quite recently it had a phenomenal good trip. I am not at the moment going to say just what happened. I would rather not, because I believe certain people are trying to float companies on the rumours of the success this ship has had, and I do not want them to do that until we all know more about it. The work we are doing there as regards sea fishing and possibly breeding sea fish in the bays and mangrove swamps is very productive and promising, also in the stocking of dams all over the Colony.

I hope that what I have said will satisfy those who have made suggestions during this debate for improving the return from African areas, that many of their suggestions have in fact already been considered, and that we are doing our utmost to put the useful ones into effect. I am sure everybody here realizes that if this Colony is going to develop we have got somehow to keep the majority of the population, and the biggest part of this Colony, in step with some more progressive part. This is a subject which we have been discussing during this debate, but doing that has created a new atmosphere, which I referred to at the beginning of my remarks. It is uphill work and is bound to take a longish time. There is a longer preliminary, as I explained, to be able to encourage the growing of these remunerative cash crops safely. We have to create an organization for marketing and col-

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lecting produce and giving reasonable stable prices for it, we have to provide fertilizers and planting material, we must provide suitable grasses for planting grass leys and planting material which can be easily got at by the local inhabitants. We have got to provide a change of heart in some cases and we have got to provide finance, if not individual finance, then finance on co-operative lines. I explained about finance yesterday, and I hope I have shown hon. members that the African areas are proving remunerative and are not wasted.

The next step is actually to these more remunerative crops on a large scale, and we are going some way towards that. I think it was the hon. Member for Kiambu who said that he did not want us to become a welfare state, or what he would call a spoon-fed state, and I think I said yesterday enough to show that in our plans for improvements in African areas not only are we beginning to get a very great measure of co-operation from the Africans themselves, but the Africans themselves are contributing very largely out of their crop moneys towards the improvements that are being made. (Applause.) We are going to charge them for ploughing, not the full rates, but substantial charges for any work done for them by their own equipment owned by the local native councils. We do make them realize they cannot have things done on their land without having to pay for it. They are quite willing to pay, and as they are doing so I think it is only right that out of the public vote we should also make a proportionate contribution.

I was sorry to hear the hon. Member Mr. Ohanga speak yesterday. I do not know why he was so pessimistic, especially when he referred to areas that I personally know quite well and, if I may say so as a very-old hand, I think he was inclined to spoil a good case by exaggeration. I think he was really trying to argue his very natural desire to get more land for his people. He did, in addition, suggest that too much stress was being laid by Government on the chiefs having to show results as regards soil conservation. If I understood him aright, he seemed to think that possibly, if a chief could show that so many miles of terraces were being constructed and that much work of that kind had been done,

he was regarded as a good chief, whereas equally good chiefs who did not take quite so much interest, or did not feel that this was their job, were perhaps prejudiced. Well, that is a point of view, but I would say this, that I expect and insist all European administrative officers in this country give a very high priority indeed to agriculture. (Hear, hear.) That is why I was talking so much about the provincial teams and district teams. Agriculture is fundamental to the social services and everything that the African desires, and it is fundamental to the very existence of this country, that we should stay the damage that is being done and that we should rehabilitate the native reserves.

Turning from that, I come to some remarks made by my hon. friend Mr. Nathoo. He suggested that it would be quite reasonable, in view of the very high prices that are being obtained for certain primary produce, that there should be a tax. I suppose he means an export tax, which should go, as I understood him, into general revenue. Now, for many years past this subject has been brought up from time to time, and so far at any rate this Government has always been reluctant—and I think quite rightly so—to agree to any form of export tax on primary produce. My own view is this. It may be that sisal is doing very well at the moment, but I can remember the time when, for many years, too, sisal was being sold at £13 a ton, and during those years the sisal estates were all falling into a very bad state. I think that when good times come—this is really a matter of economics and one perhaps that I am not competent to deal with—but when good times come I want to see that money going back into the rehabilitation of the land of the estates and the plant on those estates, and if Government wants to take, as is quite right, its share it surely does it through income tax. I therefore personally think it would be a very great mistake to follow the lead of a neighbouring territory and put on this form of taxation.

The hon. Mr. Mathu mentioned coffee and tea. As regard tea, we consume a very large proportion of that crop in the Colony, sold at low prices, and as regards coffee we have just recently passed a bill, as has already been pointed out, to help the coffee industry, and I should just like to read out what the crop years

[Major Cavendish-Bentick] have been. 1941-42 was a good year. We produced 18,500 tons of coffee. Since that year most of the Ruiru, Thika and Kiambu areas have had practically no crop at all. Of the crop we do get, 2,000 tons can be sold in markets other than to the Ministry of Food, the rest of our coffee goes to the Ministry of Food. In 1942-43 we produced 8,000 tons, in 1943-44 4,900 tons, in 1944-45 6,000 tons, in 1946-47 9,000 tons odd, in 1947-48 14,000 tons, and this year we will be lucky if we get 6,500. I do not think we would be very wise on the one hand to assist the coffee industry and on the other to tax it.

Another point he made was about the Indian and Arab Settlement Board. He said very little had been done. I am afraid I am always a little bit outspoken about this. I am, as I repeat constantly, only too anxious to help any scheme which may be devised for what I call sound non-political Indian settlement. I think that there is a larger measure of outcry over Indian settlement than I think there are Indian settlers forthcoming to justify. Nevertheless we did try very hard indeed to help the Indian settlers or potential settlers by pursuing, for instance, the Mackinnon Road scheme long after I would have considered it justifiable. We have now had to give that up, but we do very much encourage applications for land in this area by people who are willing to ranch it at their own risk. We give them every reasonable assistance, but we are not going to provide them with a lot of money for that purpose.

To come to something which I think is much more practical, we have now an area of 4,000 acres near Mtwaapa Creek where we are proposing to set up this year a pilot settlement scheme. We have put down four test boreholes and the yields are extremely promising. We have had reports from the soil chemist and from agricultural experts and we are informed that this land is extremely suitable for annual crops and for the growing of fruit, both citrus and other. I hope very much indeed that on small individual acreages we shall be able to establish what I hope will be a successful and flourishing Indian settlement during the course of this next year. It will be a pilot scheme. As regards the Indian farmers living at the other end of the

country, Kisumu, Muhoroni and Miwani, I personally visited them and have been all round, and I hope that by a few things I was able to suggest I shall be able to assist these men, who have done a very good job of work in many ways and have been on the land for a very long time.

That, I think, deals with most of the points raised. Nothing much was said about forests and game. There does remain one other to which I should like to allude, and it is one which really will be alluded to fully by my hon. colleagues the Member for Finance and the Chief Secretary. I think the hon. Member for Trans Nzoia as regards the Development and Reconstruction Authority expenditure, mentioned some figures in connexion with the original plans and said we have now spent about £10 m. and he said he thought we ought by now to know what we are driving at. I entirely agree with him, but as regards my own Development and Reconstruction Authority expenditure—I am not dealing with the Development and Reconstruction Authority expenditure generally—as far as I remember the Development and Reconstruction revenue, which was to cover the whole development plan, was £19,191,000—not £5 m. as mentioned by the hon. member. £3,605,000 was in respect of loans for self-reimbursing expenditure. The portion from the central allocation of Colonial Development and Welfare was £605,000. Deduct that amount from the total funds. There was £15,586,000 in the original plan. Of that £8,181,000 was allocated to expenditure on projects coming under my portfolio. I estimate that by the end of the fourth year—that is the end of this year—on a very conservative estimate, the most I could possibly have spent on the projects coming under my portfolio would be some £3,214,000, and that includes £1,233,944 on European settlement, which is a commitment, and £97,000 on national parks. So if you deduct these two from that it means I have spent considerably under £2 m.

The reason I am drawing attention to that is this, that it takes a long time especially in the projects for which I am responsible, to get your plans laid so that you can spend this money without waste. Therefore one is naturally inclined to ask for more money towards the latter part of the period. It may be

[Major Cavendish-Bentick] we will have to cut down, and naturally one accepts that. One cannot go on spending money unless it is there. That is a matter for the hon. friend Financial Secretary. But I should like to show what I am driving at by taking the example of water. We are committed to a whole number of township schemes, and we are committed to these in accordance with the provisions that you have approved of. If any temporary curtailment has to take place, as it may have to, what we shall find ourselves confining ourselves to what on paper may look remunerative expenditure, but what in the true sense of the word, as mentioned by my hon. friend the Member for Trans Nzoia, are not. We shall in fact be dealing only with township water schemes. In other words, continuing that frightful policy with considerable impetus of distributing an ever-increasing amount of water to ever-increasing numbers of people from an ever-decreasing supply of water. Therefore what I suggest is that we should cut out some of these township water supplies and try and spend such money as is available in increasing the water supplies of this country. (Hear, hear.) It will not be popular, but what I consider is that a great many of us have lived in this country for many years and have survived typhoid; people will just have to go on surviving it for a bit longer. (Laughter.) (MR. COOKE: Try to do both, I think.)

In conclusion, I am going to say this. I think I have probably attended more of these contests than anybody else and, as has been said, during this debate everybody objects to expenditure and everybody asks for more. I know it is very easy to say that, but that is really not such a very bad system as it sounds. After all, if, speaking as one who has been on your side of Council, the Government is given a completely free hand it would not be a good thing. (Hear, hear.) (Laughter.) And, equally, if we took your insinuations and attacks too seriously, speaking now from the Government side, that also would not be a very good thing. (Laughter.) I think the system works out well, and referring to the general policy in the speeches I have heard, I must admit I am inclined rather to agree with my hon. friend the Member for Mombasa and the Member for Nairobi South.

I will say this, too, from the other side of the picture in regard to those who want to curtail expenditure and put something into reserve, that we do not want, if we can possibly avoid it, to have a sudden curtailment of all expenditure. I have heard the Bowring Committee mentioned during this debate. I was not in the Colony when the Bowring Committee sat, but I think I am the only member of this Council, and the only member left in the Colony who sat on the Expenditure Advisory Committee, because before I became a member of this Council I was appointed a member of that Committee, in 1932. We were very proud of ourselves then. We cut down an enormous amount of recurrent expenditure, but in all retrospect I believe that the Bowring Committee and the Expenditure Advisory Committee did more harm to this country than any other committees that have sat.

What they should have done was with great caution to have budgeted for a deficit and not have cut expenditure drastically without thinking of the future. In cutting expenditure—and this is my very last-swan song—I do hope it will be done by services. If we curtail expenditure, let us find out certain things that, desirable though they may be we can cut out, and cut them out. That takes courage. What is much easier and what one is very much inclined to do, and I accept this blame as much as anybody else, is to nibble at easy things. Two of the easy things which I hope will not be nibbled at because they are essential, are the Administration, and that beautiful, I think it was called, ivory tower, the Secretariat.

Dealing first of all with the Administration. I said this last year, but since last year I have had another year's experience of dealing with them: I believe that among the members of the Administration we have some of the best the Colony has ever had in its history. I do not agree that they have lost touch with their people, and I go round quite a lot. I believe that far from being able to spare administrative officers we do want more and more closely to administer the native areas of the Colony.

As regards the Secretariat, there were two ages—the pre-combustion Secretariat and the post-combustion Secretariat, and I think the remarks made by the hon. Member for Mombasa refer to the pre-

[Major Cavendish-Bentick]

combustion Secretariat period. There has been an awful lot of water flow under the bridge since then (laughter), and if you sat in my office and saw the amount of correspondence and work that somebody has got to deal for me, you would not be quite as hard as you are on the Secretariat! (Laughter and applause.)

MR. MACOSKORIE-WEWOOD (Lavin Gishiti): Mr. Speaker, in the course of this debate a good deal has been said by members on both sides of Council to the effect that any attempt to curtail, cut down, or even criticize, expenditure implies lack of confidence in this country. I submit that the reverse is true. It is the purest nonsense at a time like this only to consider our own economies and to consider whether we can continue to pay for things. At present, as we are inevitably tied to the economy of the United Kingdom to which we are all very apt to forget (sometimes) we are bound to be faced with repercussions from the financial crisis which is bound to face that country in the course of the next year or two. All we are trying to do here is to take stock of our future and to meet the crisis which is bound to come.

It is also suggested that irresponsible people, as the hon. Member for Agriculture said, ask for services and for less expenditure. That is true, but we on this side are in a very peculiar position. We are not in an entirely irresponsible position because, due to the serious set-up in this country, it is inevitable that if we tax ourselves and the country, it is not entirely that Government takes the kicks—it is the elected members! (Laughter.)

It is not so much that any of us object to the present budget, which has been so well justified by the hon. Member for Nairobi South. (Laughter.) It is, I submit, the danger of next year's budget. If I may quote the words of the hon. Financial Secretary, he said "this insatiable hunger was not the result of some new and undiagnosed malady but was almost entirely an hereditary characteristic deriving from the infant's immediate appetitors." Later in his speech he said: "An assumption that the financial implications of a far reaching scheme, for instance, can be avoided or transformed by even the most economical administrative methods portrays an absence of a sense of proportion."

What we are chiefly worried about on this side is not this budget but the implications it entails for the next budget. (Hear, hear.) I hope that in his reply the hon. Financial Secretary will tell us honestly and candidly what his own views are on this subject.

There is one other matter I should like to touch on. The hon. Member for the Eastern Area in one of those speeches so calculated to produce that racial harmony which Council is for ever talking about, suggested that we were lightly taxed. It may well be that we are much less taxed than other countries; it is certainly true that we are less taxed than the United Kingdom, but the United Kingdom, through a policy of heavy and crippling taxation, is about to descend the slippery slope of financial ruin. We do not want to do that, and I see no reason why we should behave like sheep in running one after the other over the precipice through a gap in the hedge. We have seen the parent country go through that gap proceeding down that precipice, and I see no reason why we should follow them. We are not lightly taxed, because although we have a comparatively low rate of income tax, we have an immensely high customs tariff. Indeed, everybody who lives here is perfectly well aware that many of the actual necessities of life cost a very great deal more than in other countries because those necessities are highly taxed in customs. I would suggest also cotton piece goods and things of that nature, which are a big part of the necessities of life of all races.

I think it is absolutely essential that the hon. Financial Secretary should endeavour in his next budget to see that taxation does not rise, because I believe that in a new country heavy taxation is a disaster and heavy taxation will actually lower the standard of living of the people as it will actually lower private enterprise. That is particularly so in new countries, and I think Government should remember it is the first duty of a Government to consider the happiness of the people which cannot be achieved by crippling taxation and, consequently, the progress which they can get, must remain largely in the hands of the people themselves.

ATTORNEY GENERAL (Mr. O'Connor): Mr. Speaker, this is the first time that I have been privileged to hear the debate

[Mr. O'Connor]

on this motion, and I have listened with the greatest interest and, I hope, considerable instruction to myself, to the various admirable speeches which have been made by hon. members on both sides. I should like in particular, if I may, to congratulate the hon. Chief Native Commissioner (hear, hear) on his lucid and eloquent and sympathetic maiden speech. I feel that it gives us an assurance that he will be a worthy successor in these debates to our friend and colleague, Mr. Wyn Harris, who has left us. I think also, if I may say so, that Council may well wait long for a more witty, humorous and, may I say, effective speech than that made two days ago by the hon. Member for Nairobi South. (Laughter and hear, hear.) But, sir, I have listened with some personal trepidation. I refer in particular to the speech of the hon. Member for Mombasa—who thought that he was going to make the ivory tower of the Secretariat shake like a jelly. He threatened that the hon. Member for Trans Nzoia—who I am delighted to see back in his place today—was going to put his foot down. (Laughter.) It is true it was a "veiled threat" (laughter), but he did say it. And we have heard on all sides that a blizzard is about to strike us.

If all these cataclysmic events happen simultaneously, I have grave fears for the personal safety of the Member for Law and Order, not to speak of my hon. friend the Solicitor General, peacefully pushing their pens in their P.W.D. paradise, their corrugated iron tower. If the permanent and substantial structure of the Secretariat is to be made to tremble, what is to happen to that building—extravagantly constructed of tin by the Government of Arcadia as a purely temporary structure, some 40 years ago? (Laughter.) I have grave fears that it may disintegrate about their ears and, if so, that they may be translated to paradise indeed. And their epitaph: "Per hardware ad astra"! (Laughter.)

Sir, I want to confine my remarks, interested—intensely interested though I have been in the economic side of this debate—I feel it would be suitable for me to confine my remarks to the aspects of law and order which has been raised during the debate. I will not say all that I have to say on the subject of law and order at this stage, because much of it is

facts and figures and details which will be better dealt with when we come to the Police vote, but I should deal with some aspects of the matter and answer some of the assertions and remarks which have been made by hon. members on the other side.

The first with which I want to deal is a statement made by the hon. Member for Trans Nzoia. I recorded him as saying that crime has this year increased enormously, especially round Nairobi, over the high level it reached last year. I think that the hon. member meant that the peak figures had for a short period exceeded the 1948 peak, but that remark was capable of interpretation as an assertion that the total figures of crime for this year had enormously exceeded the already high crime figures for last year. Now that is a matter which, in the interests of the public and of the police, should be corrected. The position is this: the Colony's figures for total cognizable crime against property for the first six months of 1949 were much lower than for the corresponding period of 1948. There was a sharp rise in July, August and September, and for a short period in August and September, the figures exceeded the 1948 peak. I am glad to say that there was a sharp drop in the October figures and that has so far been maintained in November, although the November figures are not yet completely received. We are now back approximately to where we were in July, and the position is that the aggregate figures for the ten months of 1949 for total cognizable crimes against property are considerably under the corresponding figures for 1948.

The total cognisable crime of all kinds for the settled areas has not exceeded that for the corresponding ten months of 1948; and stock theft is well down, so that I think it can be said that there is an improvement and the general position is better.

Nairobi is the main problem. Fifty-seven per cent of the total cognisable crime of the Colony occurs in and around Nairobi, and that is no doubt due partly to the haunts of criminals and undesirable characters which surround the town. It has been realized that it is hopeless to try to police metropolitan Nairobi without controlling effectively the surrounding areas, and that there must be more co-operation between the surrounding areas



[Mr. O'Connor] and metropolitan Nairobi and between the surrounding areas *inter se*. In order to secure that co-operation and assistance a Commissioner for Nairobi District has been appointed, and the whole area has been put under him. The district has been reorganized to include Fort Hall, Machakos, Thika, Masai, Kiambu and Kikuyu. It is hoped to abolish artificial barriers and divide responsibility, and it has been impressed upon all the police officers concerned that each is concerned not merely within his own narrow limits, but each is responsible for co-operating to suppress crime in the whole. No longer, I hope, will people who make reports to police stations be told that they must report somewhere else because they live on the other side of some particular boundary. Wherever the report is made there it will be dealt with.

That reorganization has been in operation for too short a time for us to judge of its results, but the first signs are distinctly favourable in various ways with which I will not take up the time of Council; I have mentioned that the mounting figure of crimes has been checked and reversed since that was put into operation. Whether it is due altogether to that I could not possibly say as yet, but the first signs are favourable. I might take this opportunity perhaps in passing to mention a matter which has caused a good deal of public interest and some public alarm, and that is the question of attacks on persons in the Langata area. I am glad to say that there have been no more attacks—since the 13th November, when some persons ran into one of many police ambushes which had been laid for them, and came off rather badly. Three are in custody at present.

Now, as has been truly said by one of the hon. members opposite, Nairobi is not unique in having a crime problem and greatly increased crime figures since the war. That is an almost universal affliction, but that observation is no particular consolation to us, as is quite realized. We have got to tackle our own problems.

The hon. Member for African Interests, Mr. Mathu, said that it would be unnecessary to increase the numbers of the police if their efficiency was in-

creased. Well, I think that it is not always realized that the efficiency of the Kenya Police really compares very favourably with some other places which are usually considered as models. For instance, I have been given some figures which are the latest available—or the latest I have been able to get—of the percentage of convictions to cases reported in Kenya as compared with the percentage of convictions to prosecutions—and this is a matter which has to be assessed very carefully—and the figure for Kenya is 84 per cent. I have not got a comparable London figure for that one. That is not a bad figure of convictions to prosecutions. I am not saying that the efficiency of prosecutions cannot be increased. I have never said that. On the contrary, I have always said that it is a matter which is engaging very careful attention and I hope to increase that efficiency, but 84 per cent is not a bad figure. Again, I do not say that efficiency cannot be increased in other respects, and neither does the Commissioner of Police, but to increase that efficiency takes time.

People are apt to say: all this money is being spent on the police and where are our results? Why are they not much better? They forget, I think—I do not say that hon. members in this Council forget, because they have been very reasonable over it and have said several times that they do not expect immediate results—but people outside are apt to forget that the police were neglected really for a good many years. I do not say they were the only service which was neglected, but this increased expenditure of money is a matter of very recent occurrence, and you cannot attain efficiency without a great deal of experience. Now 75 per cent of the European inspectors in the police have under three years' service. That is a matter which time will cure but it does take time.

The hon. Member Mr. Mathu made a suggestion that African clerks should be employed. There is much to be said, from a political point of view, for the employment of African clerks, but a moment or two earlier he had asked for an increase in efficiency. It is not the opinion of the Commissioner of Police that at present it would increase police efficiency to employ African clerks, so that is a matter which will have to be

[Mr. O'Connor] left over for the present and considered again later. I do not by any means wish to close the door upon that suggestion.

The hon. Member for the Coast had something to say about the recent raids which have taken place. I do not agree that the raids are useless, or 90 per cent useless, because a fairly high proportion of persons arrested can obtain their release upon payment of a fine. Criminals—wanted persons—who are caught are not released upon payment of a fine. Raids are of use in picking up criminals, in recovering properties suspected of being stolen, in looking for illicit liquor, in taking the initiative against haunts of criminals, in training the force and incidentally the Kenya Police Reserve, and in demonstrating that the arm of the law can reach out and take these people in their own haunts. I consider that it is profoundly important to take the initiative. Are the police always to be forced back on the defensive? Are they to sit and wait for this house to be burgled and someone else to be struck at there? I think that they should take the battle to the enemy, go out and see, familiarize themselves with conditions so that they are able to act. (Hear, hear.)

I do not subscribe to the argument, either, that the raids are no use because a fairly high proportion of the persons detained or arrested can escape with fines. I am all for persons who have committed crimes receiving adequate and deterrent punishments, but I do not think that because a fine is all that those individuals deserve, that one can say that the operation is useless because that is what they get. I think that the hon. member would not advocate the abolition of the enforcement of the Spivs By-law because a great number of persons arrested under that are only fined.

Mr. COOKE: I would like to see more raids myself—more frequent ones.

Mr. O'CONNOR: I hope that the hon. member's expectations will be fulfilled.

The hon. Member for the Coast referred also to sterner administration of the native areas. That has been largely dealt with by my hon. friend the Chief Native Commissioner. I agree that illicit brewing and drunkenness must be discouraged. It is a great evil and a great deal of serious crime in this country re-

sults from it, and I would respectfully endorse what His Honour the Acting Chief Justice said the other day at the opening of the recent sittings on that subject. I had already taken some action in that respect, particularly in one or two areas where drunkenness was reported to be particularly bad. The police in August and September in those areas destroyed many hundreds of gallons of illicitly brewed beer, destroyed a still, and made various arrests for illegal possession. That, of course, has to be done in the closest cooperation with the administrative officers and, as is well known, the Deputy Commissioner in this area of which I speak acted with the greatest energy in the matter.

Deterrent sentences have been referred to, and again I should like to endorse the remarks made recently by His Honour the Acting Chief Justice on the subject of deterrent sentences for serious crime, and to hope, with respect, that his example will be followed. To put into operation the recommendations of the select committee regarding the imposition of long sentences of corrective training would no doubt help the position very considerably. That postulates more prison accommodation, which we have not yet got, and it cannot be done in a penal settlement on the Northern Frontier.

But none of these expedients are a really satisfactory substitute for an efficient and adequate Police Force. That, I think, is a prime necessity. But the hon. Member for African Interests, Mr. Mathu, suggested that the increase in crime was not the reason for increasing the police vote. Is there a policy, he asked, to suppress the African, to curb his political development? May I say quite emphatically that there is no policy to curb anyone's political development, provided that they develop within the law. (Applause.) There is a policy to enforce the rule of law and to prevent its infringement, and to set up a very firm front against those who infringe it. That is the plain duty of every Government, and no one who does not go outside the law needed have any fear whatever from the police.

The hon. Member for African Interests, Mr. Jeremiah, complained that it was not possible for people to meet without getting the permission of the police.

[Mr. O'Connor]

I think he was referring to section 30 of the Police Ordinance, which does require permission to be obtained in certain cases, but that section is confined to public streets, roads and places of public resort. Surely it is not unreasonable that the public, through its servants, the police and the administrative officers, should retain control of the use of public places.

My attestation has been drawn to a statement said to have been made by the hon. Member Mr. Mathu. I did not myself hear it. I must have missed it, so I hope I shall be corrected if I have got it wrong. He said that it was of common occurrence for Africans to be fined as much as 50 head of cattle by the courts for cattle trespass. I feel sure that fines of that nature would be imposed only when the offence was serious and probably had been repeated; and I really cannot do anything to interfere with the discretion of the magistrates as to the sentences which they impose, a discretion which has again and again been upheld in this Council.

The hon. Member for African Affairs, Mr. Mathu, said: "A few Africans have committed crimes; so have a few others." He quoted, or referred to, a letter in the paper at which he was indignant, to the effect that the increase in crime was due to the Africans and no one else, and that 90 per cent. of crime was due to the Kikuyu. I do not know the Kikuyu proportion; but I do know that 57 per cent. of the Colony's crime occurs in and around Nairobi. (Mr. Cooke: What about receivers?) I have not got the figures for receivers. But let me correct the statement that has given offence. The correct figure is that the Africans are responsible for 96 per cent. of the total crime of the Colony. I do not wish to be understood to say that they have had the greatest increase in crime. The greatest percentage increase in crime in the last three years by far is in Asian crime, and the European figure of increase is also high. The African has not the highest percentage of crime, but he has so far a preponderance of population that it is really the African crime which presents the problem and which makes the maintenance of an expensive police force necessary. They are not less law-abiding than other communities, but they do exceed

in numbers the other communities by so much as to make theirs the significant problem.

Various suggestions have been made and dealt with by the hon. Chief Native Commissioner as to how the added expense for law and order could be found. That is primarily a matter for my hon. friend the Financial Secretary, but, however, the money is found, found it ought to be, because law and order are fundamental. Whatever it costs to preserve law and order—and I am not in favour of unnecessary extravagance, far from it—it is far better to preserve it than to let it go. You have only to look round in the world today to see the truth of that demonstrated again and again. I naturally watch events in Malay with some attention, and I know that many millions of pounds have been spent on security forces in Malaya. One has only to look to certain other territories to see that disturbances break out and then they increase the police force. They pay for the disturbance and then they pay for the increase. I would prefer to do it the other way round: increase the police force, try and make for security, and avoid disturbance. If that can only be done at the cost of social services, then I fear that I for one would let the social services wait. I do not say it can only thus be done, but if there is a question of priority, I for one would give it every time to law and order.

Before I close, and I am just about to sit down, may I take a little of the time of Council to quote the words of a very great American President which I think are apposite on this subject. He said: "It is an evil and dreadful thing to be callous to sorrow and suffering, and blind to our duty to do all things possible for the betterment of social conditions. But it is an unspeakably foolish thing to strive for this betterment by means so destructive that they would leave no social conditions to better. In dealing with all these social problems, with wealth in private use and in business use, with labour, with poverty, the one prime necessity is to remember that though hardness of heart is a greater evil, it is no greater an evil than softness of head". (Applause.)

Believing as I do profoundly that we can confer no greater benefit upon all the inhabitants of this country—and I in-

[Mr. O'Connor]

clude in that the common man, for he is most concerned—than a strict and level enforcement of law and order, I do suggest that the provision made in this budget is absolutely necessary, and I beg to support.

MR. VASEY (Nairobi North): Mr. Speaker, it falls to my lot to have the pleasure on behalf of the members on this side of Council of congratulating the hon. Chief Native Commissioner on his maiden speech (applause), and to support the remarks which the hon. Attorney General made in his congratulations from that side. I, during the war, had the pleasure of working with the hon. Chief Native Commissioner in the Information Office, and I am glad to say that, of many things that have emerged from the Information Office, at least one good thing has emerged from the Government point of view.

I should like to congratulate the hon. Financial Secretary on the able way in which he carried out the onerous task of introducing this his first budget, but I would warn the two hon. members that this Council is rather apt to view pats on the back of that kind in the light of the old schoolmaster, who said that a pat on the back is an encouragement, it was an excellent thing, provided it was given when the individual was young enough, often enough, hard enough, and low enough! (Laughter.) When the hon. members have ceased to be quite so young in this Council, I can assure them that no doubt from this side of Council the pats will come often enough, hard enough, and low enough.

I would like first of all to deal with the point of the tax equalization fund, which I think has caused some difference of opinion in this Council. I believe there is very little difference in fact between the hon. Financial Secretary, between Government opinion and those of us who ask for a tax equalization fund. I think the hon. Financial Secretary and Government are as anxious that there should be a buffer, a cushion, of surplus balances against any possible sudden necessity to decrease expenditure on the services of the country. I think it is correct to say that the only point where we differ is that there are some of us, as our leader the hon. Member for Trans Nzoia expressed it, who feel that the

surplus balance or a proportion of it should be placed in some position where it could not suddenly be raided for capital expenditure without the consent of the Legislature as a whole. That, in fact, I think is the only difference between us: shall we leave it to the free and flowing will, shall I say, of the Standing Finance Committee, subject to the pressure of special pleading, or shall we ensure that any reduction of that surplus shall take place only subject to debate in this Council? I feel that if we could get an assurance from the hon. Financial Secretary that no such reduction of our surplus balance for capital expenditure would take place without prior debate in this Council, we could have advanced a great measure towards agreement. I would say that it took this Council some considerable time to persuade the late Financial Secretary about this policy, that when Mr. Troughton first entered the Council year after year, in the budget speeches, we made the suggestion, and he shook his head this way, saying "No". At the last moment, almost a deathbed repentance, he shook his head this way, to say "Yes".

The point is this. We feel, some of us, that if we were investors about to invest our money in a company, we should look at three things. We should look at the dividend yield, we should look at the amount of capital expansion that the company was undertaking, and we should look at the general reserve that the company had available to meet a bad business period. That is what we are trying to do. We agree that there must be capital expansion, we agree that there must be a fairly high level of recurrent expenditure, but we feel it is important that there must be also that general reserve to tide over a bad period.

One point not mentioned very much in regard to this particular debate is that there is, if my reckoning is correct, something like £1 m. capital expenditure in the total of this year's budget, so there is, of course, a very large reserve if that were cut out, but I am among those who believe that while you must finance as much as possible out of loan, a certain amount of financing of capital expenditure out of revenue is a cheap method of doing work.

We do feel, a number of us, with regard to the repayment of the £500,000-

[Mr. Vasey] loan money, that we should be happier if this could be undertaken on a conversion basis or repaid from the loan we are about to float and the £500,000 kept in our surplus balance, again as a safeguarding measure.

On the question of loans, we await with interest—I know it will be impossible at the moment—a detailed statement by the hon. Financial Secretary on the result of his negotiations in London, and I trust he will confirm the Press report that it will be the intention that some considerable portion of this loan will, I hope, be reserved for local investors. (Hear, hear.)

It is usual in this particular debate for every member to defend what he likes and to attack what he does not like. That, of course, is natural. It appears, and I have listened to this debate with some interest, to be equally natural when defending what you like and attacking what you do not like to forget the facts you do not like and remember the facts you do like! That, I think, has been the case, if I may say so, with one or two members a little far to the left of me, if I put it that way, without throwing any imputation on the speakers.

The hon. Member Mr. Mathu in opening dealt with a point of logic, and then moved from the height of logic to the depths of politics. He spoke, and I think we sympathize with him, about the taxable capacity of the African being exhausted. I can equally say today that the taxable capacity of the lower income group of Europeans and Asians is almost exhausted. The hon. Member Mr. Jeremiah referred to the fact that in addition to central taxation the African paid a large sum of money through his local native council. Well, let him go through the budgets of the municipalities of Nairobi and Mombasa and let me point out that in these two local government bodies alone there will be a budget something in the nature of three quarters of a million to a million pounds and that the European and Asian ratepayers of these two towns will during 1950 pay some £400,000 in rates for net expenditure on services, a great proportion of which is spent upon a race other than themselves. These facts must be equally remembered with the fact that the African himself is making an effort in local native council

areas which we must all admire. (Hear, hear.)

The hon. Member Mr. Mathu dealt with the fact that the African had kept one foot in the reserves because "there was a lack of social security in his old age." In my position as a member of Legislative Council and a member of Nairobi Municipal Council, one of the most worrying things happening to me in recent months has been the number of people, not only Europeans but Asians as well, who have come to me because they have reached the age when employment is no longer possible for them to obtain, and they themselves are faced with a very grave problem of social security in their old age. It is one of the great problems that must face the people of this country. When people talk about the burden of taxation they must remember that the true measure of the burden of taxation is the return you get from it. If you are in a position where, when you pay your taxation, you know you will have free medical services, shall we say, a medical service without direct cost to the individual?—if you know you have an educational service without direct cost to the individual, and if you know that at the time in your life when you can no longer work there is a defence against poverty, then your taxation, however burdensome, may be regarded as light compared to the burden of taxation which leaves you no margin for that provision. The great majority of the European and Asian population of the country today have got that problem to face. There is no old age provision for them, and for the great majority of them no piece of land in a reserve in which they can work in order at least that they may exist. I trust that when members of this Council discuss these economic and social security problems, they will always endeavour to keep in mind the other man's point of view. It is not always a paradise for him.

I have dealt with the question of the lack of social security, and I should like to deal with the questions raised in this debate on the point of labour.

It is correct to say as the hon. Deputy Chief Secretary said, that there is a greater need for workers than there is need to work and, of course, we must all find in the interests of the Colony the true incentive to get people out to work.

[Mr. Vasey]

I begin to wonder, and I am sure the Labour Department has been thinking all along on the same lines, whether we have been correct in this policy of endeavouring to stabilize the real wages of the worker by providing him with a basic ration of food and housing. I begin to wonder whether we should not be wiser to throw the whole of our wage structure over, whether the agricultural members of this Council will not in their turn consider the wisdom of that, whether we are not making a mistake when we lead the worker to believe that the food which is indeed today an ever increasing cost, and housing, and the ever increasing costs of those services which are given to him are a right. They are, as it were, part of the wage he earns, and I believe that during the coming years we have got to re-orientate our labour wage policy in the country, and I think I am right in saying that both the hon. Deputy Chief Secretary and the hon. Labour Commissioner recognize that fact most clearly.

To turn now to the effect of the social services burden on this and succeeding budgets, we have a developing Colony, we recognize that there are differing standards at the present moment in our political, social, and cultural thought. I think it is correct to say that there is no member of this Council who does not recognize the duty of this Council to lead in the attempt to lift the people who are backward educationally, hygienically, and in all the fundamental things that matter. The hon. Member Mr. Patel accused us at this end of this side of Council of having made no positive attempt to lead. With all due respect to the hon. member, I would remind him that in 1946, 1947 and 1948 and at the African Conference I put forward the suggestion that education was the finest long term productive policy on which we could embark. The difficulty is that the country cannot afford always a long-term policy, because it is not immediately productive. I suggested in 1946 and in all those years "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 place recurrent expenditure against that loan, and not call for any redemption of principal or interest for a period of 10 or 15 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 today, his full power to the development of the country".

I am going to ask the hon. Member, Mr. Patel whether he has ever taken any notice of what I said. Year after year I have cried these views alone in this Council, and it was possible for any member to have supported me, but so far I have still awaited support on that particular matter. We must in dealing with this problem in this country, I believe, be unorthodox. It is obvious that the burden for such things as education cannot fall entirely on the Central Government. Local Government figures show that. But I should like to examine the system to which we are moving, if I read the events of the past year aright, if I read the economic position aright and if I read the trend of the various reports which we are soon to debate aright also. We recognize that with races demanding different standards it is impossible in either educational or medical services to bring the higher to the level of the lower. That is something that we do not, I am sure, wish to attempt, and because the country cannot afford the same high level throughout, because of political and other factors we have had to find some different method of financing these services than the ordinary orthodox method.

So, sir, as I see it, we are moving to the following system, that central revenue will bear a proportion of the burden, that the second impact will fall upon the individual in the shape of fees. That has one great merit in that it points out to the individual that services and their rising expenditure must fall upon him as a responsibility. But, if we allow that principle to reach the point where the individual has to, as it were, walk back and sacrifice other fundamental things, then we ourselves will have created a social evil. So we have therefore come to the conclusion that what cannot be borne by central revenue, what cannot be borne by fees, must be borne through the process of community taxation.

*Council adjourned at 11.05 a.m. and resumed at 11.25 a.m.*

MR. VASEY (continuing): Mr. Speaker, when the Council adjourned I had

(Mr. Vasey) reached the point of examination of the system which we were moving towards for the financing of social services, and asking that we should consider in our own minds the wisdom of this policy and should also remember the dangers, to my mind, inherent in it. I had tried to point out that on the question of fees, while it may be wise to compel the individual to pay for a service in order that he should recognize the fact that all services have to be paid for either directly by himself or indirectly through the means of taxation, while we should do that we must be careful not to bring into our system a social evil where the individual sacrifices those things that are essential to him because he wished to have those things that are desirable.

If I may quote the example, for instance, of houses. One of the reasons for sub-economic housing having been adopted as a policy in countries like Great Britain is because the individual had to have a roof over his head, and if the provision of a house were left completely to the play of economic forces, the individual was left with the choice of either paying too much for the house and sacrificing the food and the welfare of himself and his family, or of degenerating into slum conditions, because that was the only housing that he could afford. So that while I may advocate this policy, I should like to place on record the dangers that also exist in the policy of forcing payment by this method too far.

It is because of this that I have moved towards the support of the community taxation principle wherein, inside each community, the rich of that community will bear the burden of the poor of that community, and I should like to say that this can only be a temporary expedient in my opinion; that we must eventually and inevitably move towards the more general and orthodox economic policy in this regard. I would say that during the period of development that we are in at the present moment too rigid adherence to any particular theory of economics may prove not only dangerous but fatal to any particular system of social service.

There is one other point which I think hon. members must remember, as I am sure the hon. Member for Finance will

remember, and that is that if you take the system of contribution to social services from central revenue, fees and community taxation, and you accept it, you must not fool yourselves. All of those three have a bearing on the taxable capacity of the individual; they come from the same pocket in the long run. We must always bear in mind that particular factor when we are assessing the level of taxation being imposed on the individual. If I may quote an existing example—that is the European hospital tax—the European community was amongst those who benefited by a reduction in income tax last year, or the year before, but at the same time they had accepted inside the community the burden of a tax for a service. They had in fact very little in the way of direct relief. We must keep in our minds a continual and vigilant watch upon this system which we are adopting, to see that there is not a hidden level of taxation, and to see that Government does not fall into the trap of allowing the communities to set their own level of taxation for any particular service, to find when it wishes to impose taxation for central revenue that the money has already been taken from the pocket and the pocket is empty.

I am not going to detain the Council much longer, but I should like to say this. My anxiety, which is the anxiety of most of the members on this side of Council is not about the level of expenditure today; it is an anxiety which springs from the desire to avoid a reduction in future in services we will already have begun. During the time when those services short term productive or long term productive, are not producing the revenue which we all hope and most of us believe they will eventually do, if we put forward suggestions such as a tax equalization fund to control surplus balances, it is because we have that factor in mind, if members suggest a reduction in expenditure in certain services it is because they have that fact in mind. There is not, I think, one of them who does not wish to see the social services side of this country developed on the right lines.

This is the fifth budget debate in which I have had the honour to take part. It has been characterized perhaps by less racial speeches than most of them. I am sorry that a racial note has crept in. I

(Mr. Vasey) should like to say this. We on this Council are privileged to take the lead in a great experiment. A country of four races, endeavouring to prove that men of goodwill can overcome the tremendous difficulties inherent in that mixture of differing standards of culture, political knowledge, religious belief, educational and economic advancement; the success of that experiment is of importance not only to the western world but to men and women all over the world who believe in the freedom of people to live their own lives in their own way without injury to others.

It is important that we should recognize each others sincerity at all times; it is important that, whatever extremists may say on the one side or the other, in my opinion it is important that, whatever else may happen, we as members of the Legislative Council of Kenya keep that responsibility in mind, for through our ability and our will to make the experiment a success much will depend; not only the future of Kenya but the future of East Africa, the future of Africa, and, sir, perhaps the future of the world in which we live and the way in which we live in it.

CHIEF SECRETARY (Mr. Rankine): Mr. Speaker, I think we will all agree that this debate has served a very useful purpose, for many not only eloquent but very thoughtful speeches have been made which have given us a great deal of information as to what the public wants in the Budget. That information I feel sure will be of value not only to my hon. friend the Member for Finance but to myself and the other members of the Government in framing future budgets. To me, it has been very refreshing, after all that has been said in the press and elsewhere about a complete halt to increases in expenditure, to find a more constructive attitude adopted in this Council.

It is gratifying to find that there is an understanding that it would not be practicable to call a complete halt. If you did that, it would mean stultifying all development. To call a halt to development would not be sufficient in itself. You would also have to call a halt to increases in population. Even that would not be enough, because as the hon. Member Mr. Nathoo has pointed out, there is

today a general awakening of moral opinion and that means a demand for additional services. As this Colony and indeed as civilization itself, develops, there is naturally a demand for increasing and wider services. What we have to do, as my hon. friend the Financial Secretary has pointed out, is not to call a complete halt, for that would be a complete negation of development, but to devote our revenue to wise and judicious spending having regard to our capacity to pay.

Those people who speak about a complete halt always remind me of the doting parents of a young child—I am sure you have all met them!—who say to each other, "What a pity it is that little 'Willy' has to grow up; he is so sweet as he is. Wouldn't it be nice if, like Peter Pan, he could just stay at the same?" Incidentally, sir, that would have an added advantage in that little "Willy" could go on wearing the same clothes and need not have a new suit! It would also solve the problem regarding social services in that presumably little "Willy" need not reach the age at which he has to go to school. In fact to talk about a complete halt ignores the fact that Kenya is a young, a vigorous and a growing country which is developing (hear, hear), and, as it grows, naturally the need for services grows, too. What we have to do is to watch and see that the expansion of those services does not go beyond the expansion in our economy. (Hear, hear.)

I am very glad that the hon. Member for Nairobi South has pointed out that this budget is not only Government expenditure, it is public expenditure. It would be a great mistake to believe that it is not public expenditure and also that it is not providing what the public wants. Admittedly, it is not providing all the public wants and exactly what some individual member of the public want because that is not possible. But we should delude ourselves if we believe that it is not providing generally what the public wants because the pressure for the expansion of social services comes very much from the public.

I am also glad that it has been pointed out that it is no use demanding reductions and economies unless you are going to be constructive enough to point out what services can be reduced. In that connexion, let me take an example from the Development and Reconstruction

[Mr. Rankine] Authority, because naturally I am better acquainted with the Development and Reconstruction Authority programme and in the last year's programme the greatest expansions in the way of public social services were represented by the Duke of York School, the new European primary school at Kericho and a similar one at Nyeri. Those were not only the most expensive additions but they were additions which were outside the original plan. If we mean that we are going to demand a halt to social services those are the obvious ones which can be curtailed or reduced. Do we really mean that we want those cut out? Because if so, there are other very useful purposes to which we could easily put the buildings. If we do mean that, let us be frank enough to say so. If we do not mean it, let us be willing to admit it. Too often, when people talk of no more expansion in social services, what they really mean is this: "more social service for ourselves and less for someone else!"

When we were talking about social services, this Council appeared to be divided roughly into two schools, or rather two schools of thought—the advocates, on the one hand, of what they call private enterprise, and the advocates, on the other hand, of what has been termed the "welfare state". The hon. Member for Kiambu put himself clearly on the side of private enterprise; I imagine that the hon. Member for Trans Nzoia would also do the same. Others, judging by the colour of their ties, or perhaps the expression of their views, advocate the "welfare state". (Laughter.) But, sir, it may have struck you, as it did me, that when we talk about these social services our views are apt to be coloured by whether we are talking of receiving or paying. The hon. Member for Trans Nzoia told us a good deal about what private enterprise was contributing to our exports. He then went on to say that in order to step up production private enterprise required labour and it ought to have labour. I quite agree with him and I looked forward to hearing from him how private enterprise was going to import the labour. But, sir, it was not private enterprise who was to do the importing, it was the Government!

MR. BLUNDELL: Well, you have an Immigration Ordinance.

MR. RANKINE: On the other hand, others speaking of the welfare state wished for a greater share of education, but when it came to paying for education they suggested, somewhat generously I must admit, that the larger share might go to someone else, and that other things might come first, such as an economic survey!

Now, sir, a great deal has also been said about economy and waste. I should be the last to deny how great a revenue economy can be, nor would I suggest that there is no waste. In an organization of the size of ours, it would be surprising if there was no waste. But on the other hand, economy taken to extremes can itself lead not only to inefficiency but to waste; and I think that in the past the greatest example of that has been probably the Public Works Department. Of all the factors that have led to inefficiency in the Public Works Department in my opinion, the greatest is probably excessive economy.

I can well remember my first tour in this Colony. When I went to the Rift Valley I found that up to a few years ago there was no Public Works Department organization there at all, although the Public Works Department was being required to carry out a great deal of road construction and maintenance and building. It was being criticized because it could not build in places like Eldoret and Kitale. It could not build for the simple reason that it had not got any organization there at all to do it. In Kericho, another centre that I visited, where the Public Works Department had a large building, the department consisted of one small building, I think of two rooms; the maintenance of its vehicles was being undertaken in the open; the store consisted of storing cement, again, in the open under a tarpaulin; and timber was being stacked in a hastily improvised rack under a grass roof.

MR. COOKE: It was not this side of the Council that cut down the Public Works Department.

MR. RANKINE: It was the Bowring Committee which somebody advocated.

MR. HAVELOCK: No, sir, a suggestion.

MR. RANKINE: The hon. Member for Trans Nzoia referred to the review of Government departments with a view to eliminating dead wood and waste and,

[Mr. Rankine] as my hon. friend the Deputy Chief Secretary reminded him, he is a member of a committee which is doing that review.

MR. KEYSER: Increases I talked about; I never mentioned that word.

MR. RANKINE: No, sir, I understood him to say that departments should be reviewed. If that is not so, I will withdraw my remarks.

A good deal has been said about the Secretariat. It is alleged that it is too big and top heavy. First of all, I would like to say that the name "Secretariat" is now really a misnomer. In the old days it was the office of the Chief Secretary, who was the principal executive officer of Government and the one channel of communication with the Governor. As we developed and expanded it was found that that centralization had become a bottleneck, and it was decentralized. Now, under the new system, the membership system, it would be more correct to call it not the Secretariat but the "Central Government offices", because although the Secretariat itself does not house all the Members, and although it is a fact that it does not carry all the members or all their secretaries on its establishment, it does in fact provide the main offices and it provides much of the staff for members. As you broaden the apex of the pyramid, naturally you have got to increase the senior staff, otherwise you would leave the members in the air without adequate staff to allow them to function effectively. That is one of the main reasons for the increase in the size of the Secretariat.

Secondly, I would like to say that the increase in the cost has not been out of proportion to the expansion of the Colony and to the expansion in other departments. The only senior posts which have been created in recent years are the post of Member for Commerce and Industry—which was, as hon. members will remember, created at the direct request of this Council; the Secretary for Commerce and Industry, which is necessary to enable the Member to function properly and effectively; and the Secretary to the Treasury, which is a step in the separation of the post of Member for Finance and the permanent Government post of Secretary to the Treasury, a step

which I believe has the approval of the whole Council.

The total cost of the Secretariat is only one per cent of the total expenditure, which I believe is a very reasonable proportion for the Central Government offices. The hon. Member for Mombasa referred to this question, and said that he had studied the arguments I produced last year and was not at all impressed by them. Although I am not flattered by that, naturally I am at least flattered to find that someone has read them! He said he was not impressed by them, and therefore I rather looked forward to hearing his reasons for stating it is top heavy or too big. He said he had "felt" it was too big. Well, sir, what is sauce for the goose is no doubt sauce for the gander, and I may be allowed to have a feeling that it is too small, but I would hesitate to produce that as an argument for a further increase. (Laughter.)

The hon. Member for Trans Nzoia referred to the High Commission, and I think he said that for an institution set up for an experimental period of four years and with only a short known life it was establishing itself in much too grandiose a manner. The very short known life to which he refers belongs not to the High Commission as such but only to that part of the inter-territorial organization concerned with the form and functions of the East African Central Assembly. I would not venture here at this moment an opinion as to the final form of the High Commission, but I think it should be emphasized that the inter-territorial organization which deals with those problems and services which are common to East Africa must continue as long as the problems and the services themselves continue.

As regards the allegation that it is establishing itself on too grandiose a scale, I should say this, that when the draft estimates of the non-self-contained services of the High Commission were carefully examined by the Assembly in September, the members of the Assembly were very much alive to the need for strict economy and, if I may be allowed to quote from the select committee's report, they said this: "The committee approached the scrutiny of the 1950 estimates with a conviction that the High Commission has already taken up both development and research schemes to an

[Mr. Rankine] extent beyond which it is apparent that the territories concerned are reluctant to finance further extension or agree to the acceptance of any new service—save under very special circumstances". It also "considered that no new scheme should appear in the draft estimates of the non-self-contained services of the High Commission until the committee, or the Standing Committee on Finance, had had the opportunity of considering the proposal in detail."

That was the committee's report, which I believe was supported strongly by my hon. friend the Financial Secretary, and I would remind hon. members that if they have any further apprehension on that subject they have direct representation on the Central Assembly through which they can get their views voiced.

With regard to the Development and Reconstruction Authority, the hon. Member for Nairobi South said the present tempo should be maintained. As my hon. friend the Financial Secretary has pointed out, development cannot be undertaken faster than the rate at which we can provide finance. The Development and Reconstruction Authority has now been informed that for 1950 its overall limit is £4 m., and of course we have to cut our coat according to our cloth and to fit our schemes within that limit.

The fear has been expressed also I think by the hon. Member for Kiambu, among others, as to the division of expenditure between so-called "productive" and "non-productive" services. The hon. Member for Trans Nzoia regarded forestry, for instance, as being productive, too slowly; on the other hand, agricultural research was strongly advocated by a number of members. All I would say is this, that I would strongly support agricultural research, but is agricultural research going to be productive more quickly than money put into forestry? It is largely a matter of opinion as to what is productive and how quickly it is productive. Consequently, I would suggest that when we are examining the budget from this point of view we should look at both the Colony estimates and the Development and Reconstruction estimates together in order to get the whole picture.

As regards the Development and Reconstruction Authority estimates, let us examine the Development Committee's report. In that report, as you will remember, over 40 per cent of the total expenditure was devoted to agriculture and veterinary. Of the remaining 60 per cent, 14 per cent was on communications, 8 per cent on water, 3 per cent on forests, 1 per cent on industrial development, and 8 per cent on buildings, a large proportion of which were for the productive services. That leaves only about a quarter of the total expenditure for the remainder, which includes things like education, health, national parks, and all the rest.

As regards the future, the Planning Committee has that question very much in mind, and I would suggest that that expenditure with which we are now concerned does represent a very reasonable distribution between the various services.

The hon. Member for the Rift Valley pointed out that a large amount of the Development and Reconstruction Authority programme is not really developmental at all in the sense that it is devoted to entirely new things. I agree entirely with that. Indeed, I pointed that out in a memorandum circulated to the Planning Committee. The reason for that is this, that, as other hon. members have already pointed out, in the 'twenties and 'thirties and during the war we called almost a complete halt to development, and the result has been that we now have large arrears of development to catch up, and a great amount of the Development Committee's programme was therefore devoted to what was really construction.

I sincerely hope that no one will suggest we have another committee on the lines of the Bowring Committee, which would result in a complete halt to all development, and in fact build up a legacy of arrears of development for our successors to take on, because I think nothing would be more disastrous than a policy of that kind. (Hear, hear.)

The hon. Member for Nairobi South also suggested that at the end of the Development and Reconstruction Authority period development should not stop altogether. Well, I agree entirely with him there, but, as the hon. Member for Finance has pointed out, when the time comes we must review the situation in the light of the finances and the eco-

[Mr. Rankine] nomic situation then obtaining, because we cannot ignore the fact that finance must be the governing factor. My hon. friend the Member for Finance did point out that the £18 m. represents what in his view is the limit of our credit, so that I hope—and this is my personal opinion—that at the end of that time we will be able to find much more for development out of annual revenue.

I have already taken up a good deal of time. I would like just to add to what my hon. friend the Member for Law and Order has said with regard to what the hon. Member Mr. Mathu said on the subject of the police vote. He suggested there that the increase in the police vote was not dictated entirely by the need to maintain law and order; he asked, was it aimed at suppressing political development on the part of the African? I could not repudiate a suggestion of that sort more strongly, and I would merely like to say that no one need have any fear of the police if he does not intend to break the law. (Hear, hear.)

In framing this budget the Government has tried to take account of all demands, naturally of all races and of all services. This debate has, I believe, shown how wide the divergence of opinion on that subject is, and so illustrated some of the difficulties in drawing it up. We believe that it is as good a budget in the circumstances as can be produced—that it is well balanced—and so, sir, with those few words I beg to support it. (Government applause.)

FINANCIAL SECRETARY (Mr. Matthews): Mr. Speaker, in rising to reply to this debate, I must first express to hon. members opposite my great appreciation for their generous remarks. I must, however, at once say that any contribution that it has been my honour to make is due in large measure to the loyalty and devotion to duty of my colleagues in the Financial Department, and in particular the Clerk to this Council. (Applause.) I pay them the highest tribute. I would like in turn to congratulate hon. members opposite for the very high level of their speeches. In particular, the hon. Member for Nairobi South has taken so many words out of my mouth that I find some difficulty in finding anything further to say. (Laughter.) In his own inimitable, rip-roaring style he has expressed far

more forcibly than I can the problem—or rather the alternative—that confronts this Council, and of course the country at large. Speaking seriously, however, I have found the criticisms and suggestions of this Council of the greatest value, and I can truly say that if the advice and counsel continues to be maintained at this high level I shall face my onerous responsibilities of the future with that much greater confidence.

I think it may reasonably be claimed that the budget in its main lines has received general approval. Admittedly, there may be some difference of opinion on individual items. We have been warned, for instance, that certain controls will need a great deal more justification if they are to be retained in their present form. We have also been threatened—I think my quotation is correct—"that the stone walls of Jericho may quiver like a blancmange" (laughter), but in general there is agreement on the overall position. I think it has also been accepted that increasing expenditure is inseparable from real progress. If we are to continue to have progress, I take it that my main responsibility in this behalf will be to see that we get value for money, and that not one single shilling is spent more than is absolutely necessary. (Hear, hear.)

The debate has ranged far and wide. Many questions have been discussed and considered, both administrative and financial, and in fact there seems practically no aspect of Government activity that has not been probed into. Many of the questions raised have already been answered by my hon. colleagues who are responsible for the aspects discussed. I will now endeavour to reply to the points which have been left unanswered, and in doing so I shall keep, of course, to very broad issues.

Early in the debate it was suggested that because in the years 1939-1948 there were surpluses, the community during that period was over-taxed. I find some difficulty in accepting the contention that a surplus budget necessarily indicates that the community is being over-taxed. Surely it is only common prudence that some margin should always be provided for. What is the opposite? The opposite is a deficit budget. I suggest, sir, that a deficit budget has the most disturbing effect. Council does not need me to

[Mr. Matthews]

emphasize how confidence is undermined by a continuance of deficit budgets, and that, I suggest, more than any question of income tax, is likely to deter shy capital from entering this country. (Hear, hear.) I would suggest that these surpluses were not all due to a condition of over-taxation. As the hon. Member for Trans Nzoia himself has pointed out, they were due to the fact that a very important aspect of Government activity over that period was in abeyance. I refer, of course, to development, and it seems reasonable therefore that those accumulated surpluses should in due course be utilized to catch up with the accumulated arrears of development, which is in fact what is being done.

I presume that the inference to be drawn from this suggestion of over-taxation is that taxation should have been reduced. Well, sir, taxation was reduced in 1948. The basic rate of income tax was reduced by no less than 25 per cent, and that in addition to a very substantial increase in free allowances. Moreover, a very considerable part of the sums which were collected during that period or during the war period as excess profits tax has been earmarked for return to those commercial enterprises from which it was collected. The idea in that return is, of course, to permit of capital rehabilitation; in other words, those sums are to be used in commerce and industry rather than in the same way as the accumulated surpluses are being used in the country at large.

MAJOR KEYSER: On a point of order, the hon. member has forgotten that I mentioned in 1939 taxation had been very greatly increased, and that the surplus balances followed.

MR. MATTHEWS: I take note of the remark, sir. I do not think it really affects the issue.

A number of hon. members have raised this question of a taxation equalization fund. Indeed, one hon. member has expressed disappointment that no mention of such a fund was made in my budget speech. Well, sir, I can only say that my omission was deliberate. I made the omission in the hope that if I did not provoke the matter this very contentious subject would not be raised by hon. members opposite. The hope has not been realized, and I too, therefore, am in the state of

being very disappointed. Since the matter has been raised, I will say at once that in the form that it has been suggested it is my view that the proposal is not financially sound. That it is superficially attractive, I will admit, but apart from the question of pure finance, there are certain technical difficulties in the way of such a fund of that magnitude postulated. I have already explained in my budget speech that if we are to proceed with a development programme of any magnitude it will be necessary for us to borrow very considerable sums of money. It is the condition of our being permitted to approach the market that we utilize first to the maximum extent possible our existing resources. I say this, and I say it advisedly, that the existence of a fund of the kind and magnitude suggested would be contrary to that condition. (Mr. HAVROCK: Whose condition?)

My second point is this: that neither this Council nor I can commit our successors in office in regard to any taxation policy. You may therefore constitute such a fund, but there would be no guarantee in the future that such a fund would be used either to prevent a rise in taxation or to produce a lowering of taxation. I have heard that in the United Kingdom at one time it was agreed to constitute a Road Fund, the idea being that all the monies paid into that fund would be used for the purposes of roads. Succeeding generations, however, raided that road fund for every conceivable purpose. If we constituted such a fund as that suggested, what control over that legacy would we have? Posterity would have every opportunity of using it precisely as the circumstances dictated.

MR. VASEY: On a point of explanation sir, that was always the idea.

MR. MATTHEWS: Quite apart from this rather technical argument, as the hon. Member for the Coast has already pointed out no fund of any feasible dimensions could possibly shield us indefinitely against the onslaught of an economic blizzard. In my view, with so much important productive development crying out to be undertaken, it is wrong to freeze large sums of money in this way. Surely the State most able to face the onslaught of slump conditions is the State with a strong and resilient economy. Rather than to bury this money in the ground or put it under our bed, surely it

[Mr. Matthews]

is better to invest it judiciously in productive development and so establish a wide and varied productive economy so that we can better face any such onslaught as that envisaged.

I do not want what I have said to be taken as meaning that I am not in favour of some reasonable reserve, far from it. In this matter I am in complete agreement with the hon. Member for Nairobi North. There must be a reasonable reserve, able to act as a cushion against the impact of slump reserve, able to give us that opportunity to make any necessary adjustments without undue stress and strain. I intend, sir, as I have already stated in my budget speech, to see that such a reserve is developed and maintained, and I shall take every step to see that it is not dissipated.

One hon. member asked me what was in my mind when I referred to our disturbing and disproportionate reliance upon one source of revenue. I can only say that I meant precisely what I said. I have no preconceived ideas on the subject; there is no veiled threat. It is obvious that a country's fiscal edifice must be based upon as broad a structure as possible. To achieve this must be our endeavour. It may be that in this country such an ideal position is not attainable. If that be so, we shall just have to accept it. But we shall definitely have to sit down and think about this fundamentally important matter, and that in the not too distant future.

There is one important point in regard to which I am in full agreement with hon. members opposite. There has been criticism of the excessive use of the special warrant procedure; that is to say the supplementary vote. It is quite clear, of course, that however careful one may be, occasions must arise during the course of the year when emergency action is required, when some special sanction has to be given. But I do agree that when that kind of expenditure rises to the proportions which have been quoted, there is a very serious constitutional objection, and I can quite appreciate the feeling of this Council that it detracts from control. I must, however, remind Council that no expenditure of that kind is sanctioned without the recommendation of the Standing Finance Committee of this Council. Moreover, it

is also quite true to say that every such proposal for additional expenditure does not emanate from Government. Nevertheless I do agree that the position as disclosed is not satisfactory, and for my part I intend to do all I possibly can to insist upon closer and more accurate budgeting.

I also agree with all these expressions of dissatisfaction concerning the collection of income tax. I have already stated this in the speech moving this motion. I also agree that there is very considerable force in the argument that, while the yield of income tax at present rates is not susceptible of reasonably accurate computation, a variation in the rates is open to some objection. However, in this present budget there is no proposal to vary the income tax, and I therefore do not propose to pursue this subject further. (MAJOR KEYSER: You started it!)

This Council may take it that I am very conscious, as far as taxation is concerned, of the law of diminishing returns in all its aspects, including the discouragement of shy immigrant capital. I obviously cannot give any such assurance as that asked for by the hon. member for Mombasa—an assurance that no income tax increase in future would be permitted. I cannot possibly commit myself in the future or my successors in that way. However, with regard to the procedure of collection, I intend pressing that all possible steps to improve matters should be taken. In this connexion I am indebted to the suggestion made by the hon. Member Mr. Patel concerning the Indian system. I have already conveyed that suggestion to the Commissioner for Income Tax. Furthermore, in order that the matter may be elucidated to the maximum extent possible, I propose, if this Council sees no objection, to ask for the sanction of the Governor to the swearing in, as a temporary member, of the Commissioner for Income Tax, so that when the estimates of his department are being discussed he may answer questions direct. (MR. COOKE: He will have a bad time!)

We now come to a point on which I have no very strong feelings. The question has been raised as to why the shortfall of £50,000 on the 1928 loan is being debited to 1950 revenue. Well, the question is really, what is the alternative? The position is that by May, 1950, we have to produce this shortfall of £500,000. This

[Mr. Matthews] could admittedly be done from surplus balances, but that is virtually the same thing as meeting it from revenue. If you meet it from a loan, you have to raise your loan and you cannot raise loans just when and how you like. It might be suggested, let it be an advance pending the raising of a loan. That is a possibility but it simply means that, since our capacity for raising loans is limited, there will be that much money less for development under the Development and Reconstruction Authority, and if you take the £500,000 from your loan you will find you will probably have to invest it at a lower rate of interest than you paying on the loan itself. A further technical point, which I am not going to press, is that sinking fund contributions annually are, of course, met from revenue, and it seems reasonable, if there is any shortfall in the total sinking fund because contributions have been too small, that the shortfall should be met from revenue. However, as I have said, I do not press that point.

I have been gratified to see that the question of a maize subsidy has received a general consensus of approval from hon. members opposite. I was most reluctant to embark upon this procedure. I dislike it intensely, but in the circumstances I consider that it was our only possible alternative. I am rather surprised therefore to be asked to give an assurance that this system of subsidy would not in any circumstances be extended to any other commodity. Well, sir, I have explained that I dislike the subsidy system as much as anybody, but sometimes circumstances force one into doing an unpalatable thing as the lesser of two evils. I cannot possibly say that in future a further extension of this system might not prove to be the least of the evils confronting us. Therefore, I am afraid no such assurance can be given.

A few words on the Road Fund Authority. I do not wish to discuss its report as such. As Council is aware, it will be debated in due course and everybody will be able to express his opinion on the principles of it. I was, however, very interested to hear the hon. Member for the Coast say that, if people knew what their contribution to taxation was to be spent on, they would be keener to pay their taxes. Well, I am extremely gratified

to hear that people are in fact keen to pay their taxes, and if it will help matters I am prepared to consider a scheme of distributing the expenditure estimates throughout the country, in order to show people what their money is going to be spent on if it is felt that this would in fact engender the necessary keenness.

As to loans generally, it is not yet possible for me to say that we shall be in a position to raise loans as and when we might like to. So far it has been possible to consider only the year 1950. With regard to that year my calculations show that we ought to raise a loan somewhere about the middle of the year. Unfortunately there are a number of factors which indicate that it would be undesirable to do so, and I have concluded from discussions in London that we should defer flotation until the end of the year. In the meantime it has been arranged that we shall be accommodated as far as the financing of our capital programme concerned by the Joint Colonial Fund. This, from our point of view, is a very satisfactory arrangement. The loan when raised I expect to be of the order of between £5 m. and £6 m.

I heard it stated in Council that Government was advised that a loan or loans should have been raised early in 1949, because the low interest rates then prevailing were bound to go up. In the event, of course, that advice seems to have been correct. One can never say. By the end of 1950 we may begin to see a change the other way round. In any case the calculation of the balance of advantage between borrowing money before you really need it and risking a change in interest rates by borrowing later is a very delicate one indeed. Nobody can possibly foresee with any certainty what is going to happen to interest rates at any time. If we could, I for one would not be standing here. I should be disporting myself in a very expensive villa in a very expensive part of the Riviera!

MR. VASEY: I do suggest, on a point of explanation, that had the hon. gentleman been in Council at that time he would have known the impossibility of seeing the interest rate drop much lower than the one existing then.

MR. MATTHEWS: I doubt whether that was really a point of explanation: (MR. VASEY: It was.)

[Mr. Matthews]

Now I have been asked by hon. members opposite, or at least one hon. member opposite, if I will take steps to see that the present proportion of expenditure between social services and productive services is radically altered in the near future. I am no financial dictator. As I have said elsewhere, the expenditure, every aspect of it, arises from policy, policy which is pushed on the Government by the country. As the hon. Member for Nairobi South has said, this is not Government expenditure, it is public expenditure. There is certainly no general consensus of view in this Council that the proportions being spent on the two kinds of services are in fact wrong. Indeed, I have heard it suggested in this Council that we should spend a great deal more on social services than we are in fact spending. If there is in the country a general consensus of view that we should change the proportion one way or the other, it may be assumed that I in particular, and Government in general, will not be insensible to that public opinion.

Now I can see hon. members opposite are positively spoiling to get into Committee of Supply, so I will say no more. I can only express the hope that the deliberations in that Committee will show the same good sense and forbearance as this debate has displayed. (Applause.)

The question that the draft estimates of expenditure for 1950 be referred to Committee of Supply was put and carried.

#### COMMITTEE OF SUPPLY

##### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resolved itself into Committee of Supply to consider the Draft Estimates of Expenditure for 1950.

##### Heads 1 and 1A—The Governor

MR. RANKINE moved: That Heads 1 and 1A, the Governor, be approved.

The question was put and carried.

MR. RANKINE moved: That the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.35 p.m. and adjourned till 10 a.m. on Tuesday, 6th December, 1949.

#### Tuesday, 6th December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 6th December, 1949.

Mr. Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 2nd December, 1949, were confirmed.

#### PAPERS LAID

The following paper was laid on the table:—

By MR. O'CONNOR:

Police Department Annual Report, 1949.

#### COMMITTEE OF SUPPLY

##### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

##### Head 2—Judicial Department

MR. O'CONNOR: I beg to move: That Head 2, Judicial Department, be now approved.

MR. NATHOO: Mr. Chairman, I would like to inquire whether, while it is realized that there is a necessity for increased clerical staff under item 13, the same work might not be done by slightly lower paid people?

MR. O'CONNOR: Mr. Chairman, I am not very familiar with the workings of this department, which is not under me, but I understand that it is not possible to employ persons of a lower grade than the persons who are already employed upon that type of work.

MR. HAVELOCK: Am I in order in raising a question of policy on this vote?

THE CHAIRMAN: If you wish to raise a question of policy I take it you will move to omit or reduce something in order to argue your question of policy. You can, of course, speak to the motion now before the committee, that the head be approved, and perhaps that might give you all the opportunities you require—I do not know—but for the moment I ask, in accordance with what I understood was the arrangement made, for questions on any particular point.



Mr. COOKE: I did think the hon. Member for Law and Order would in a short introductory speech have told us why magistrates were going to be increased from 14 to 17. I should have thought he would have made some short explanation, as is the usual custom.

Mr. RANKINE: The procedure for dealing with the estimates this year was discussed with the unofficial members' representatives, and Government was given to understand that if hon. members opposite wished to discuss policy I would be given notice of the fact so that I could ask my hon. friend in moving the head to explain policy. On this particular vote I was definitely told that hon. members did not wish to discuss policy, and that was the only reason why we did not move it other than formally.

Mr. VASEY: I think we must accept the position as outlined by the hon. Chief Secretary. There is only one point—that you yourself have stated that you thought it might be necessary to move an amendment before we spoke on policy. We may wish to question policy without actually wishing to move the reduction of the vote and thereby imply censure in any way. I do hope you will find it possible to allow us, when a head is introduced as a main item, to express our opinion on policy, without compelling us to move a reduction which perhaps we do not wish to move, in order to secure the opportunity for debate. (Hear, hear.)

The CHAIRMAN: In answering the question put to me by the hon. Member for Kiambu I put the possibilities, not only one, but it is within the function of the committee. But, as was said, it was understood that there would be no question on policy on this particular vote, and no introductory speech was therefore made. If there are no other questions or no amendment, I will put this head, Head 2, Judicial Department.

Mr. O'CONNOR: Before you put the question, I should not like it to be thought that we were shutting out information, or anything of that kind. I am very willing to give a short explanation of the increase in the magistrates which the hon. member has asked for.

It has been found necessary to post one additional magistrate at Kisumu and

Eldoret respectively to meet the additional work. There has been a considerable increase in the work of magistrates ascribed by the Registrar of the Supreme Court to the taking over of reserves by the Kenya Police and posting of European police officers to them, and also to the great increases in civil work. There has been quite a surprising increase in civil work throughout the year and that is the reason for the increase in the magistrates.

Mr. HAVELOCK: Arising from the remarks of the hon. Attorney General, the only point I wish to make is that I would be grateful if Government investigated the possibility of increasing the number of special magistrates. I believe that there is still a great demand for them, where they have functioned they have been very successful, and that the resident magistrates' courts could be greatly relieved of smaller cases if the number of special magistrates were increased. That particularly applies to my own constituency; I would be grateful if the hon. Member would keep that in mind.

Mr. O'CONNOR: That will certainly be considered.

The question was put and carried.

#### Heads 3 and 3A—Audit Department

Mr. MATTHEWS: Mr. Chairman, I beg to move: That Head 3, Audit Department, and Head 3A, Audit Department Extraordinary, be approved.

The question was put and carried.

#### Heads 4 and 4A—Central Administration, Secretariat and Legislative Council

Mr. RANKINE: Mr. Chairman, I beg to move: That Head 4, Central Administration, Secretariat and Legislative Council, and Head 4A be approved.

Hon. members opposite have already given us warning that this is one of the heads which they propose to criticize. I am, of course, already aware—in some respects only too painfully aware—that the Secretariat is a convenient "Aunt Sally" for nearly everyone. When I first came to this country and was myself a junior district officer in the field I have both heard and made criticisms of the Secretariat—(MEMBERS: Shame!)—"the Secretariat" in inverted commas. It was the thing to do then, and I have no

(Mr. Rankine)  
doubt now probably, to blame most of the evils of this world on the "Secretariat". Everyone was rather vague as to what was meant by the "Secretariat", but it was the popular belief that it was out of touch with officers in the field, that people in the Secretariat engaged themselves upon academic exercises on paper and that generally they made work for everybody in the field. As I spent longer in the country and, I hope, learnt a little bit more about it, I began to learn that those criticisms were not always justified. In fact I began to learn that officers in the field, and sometimes members of the public—with all due respect to them—were also out of touch with the Secretariat, that they had very little idea of what was going on in the Secretariat. They did not really know what officers were doing, what their objects were, or even more important, what their difficulties were.

We in Kenya, and particularly those who for their pains have to serve in the Secretariat, are most anxious that that state of affairs should not obtain here, and I would invite anybody—particularly unofficial members opposite who have criticisms of the Secretariat to make—to come and see for themselves exactly what the Secretariat does, what it aims to do, what its difficulties are, and to judge for themselves at first hand whether in fact their criticisms are correct or whether they are not, and I should be most happy to give any hon. member opposite every facility to visit the Secretariat and really to find out for himself whether the criticisms are founded on fact and are justified. If anyone likes to accept that invitation he can come and sit in my office for a day—I am sure my colleagues would offer the same invitation—and really see what goes on and judge for themselves whether the criticism is correct, whether the Secretariat is efficient or whether it is not efficient, whether it makes work or whether it does not—but as to that question, whether it makes work, I will come back a little later.

We in the Secretariat are only too anxious to avoid unnecessary work. I do not think I need explain at any length to hon. members the hours at which most officers in the Secretariat work. I think those are generally known and appreciated. In fact there is a very great understanding of them and much sympathy, for which we are duly grateful. I think that the criticism would probably be that a large amount of that work is unnecessary. Well, human nature is human nature, and I do not think any officer is going to make work which is not necessary in order to curtail his hours of leisure. As I have said, if anybody believes that that amount of work is unnecessary, well, sir, we would invite them to come and see for themselves. Very often it must appear to us on this side that the criticism that the work is unnecessary is sometimes lacking in sympathy or understanding. Of course the

ciated that the staff and the organization of the Central Government depends more or less directly on the size of the Colony, on the population, on the matters with which it has to deal, and particularly on the extent of Government activity. All Government activity has to be directed. It has to be co-ordinated and it has to be stimulated from Government headquarters, and naturally the staff that is required for that purpose depends, as I have said, more or less directly upon the amount of work involved, and above all on the scope of Government activity.

Apart from the general increase in the normal business, or the normal activity, of Government, Government in recent times has undertaken activities, new functions and responsibilities ranging from the negotiation of long-term bulk contracts for our agricultural produce to the operation of guaranteed prices for certain crops, soil conservation, and such things as civil aviation and aeronautical services which were literally almost unheard of 20 years ago. That has enormously increased the amount of work to be undertaken by Government, and, of course, a very large part of that work has to be done at the headquarters of the Government. In addition, the increase in speed of modern communications and transport has very greatly increased the tempo at which all these activities have to be undertaken.

We in the Secretariat are only too anxious to avoid unnecessary work. I do not think I need explain at any length to hon. members the hours at which most officers in the Secretariat work. I think those are generally known and appreciated. In fact there is a very great understanding of them and much sympathy, for which we are duly grateful. I think that the criticism would probably be that a large amount of that work is unnecessary. Well, human nature is human nature, and I do not think any officer is going to make work which is not necessary in order to curtail his hours of leisure. As I have said, if anybody believes that that amount of work is unnecessary, well, sir, we would invite them to come and see for themselves. Very often it must appear to us on this side that the criticism that the work is unnecessary is sometimes lacking in sympathy or understanding. Of course the

I have already in the debate proper tried to explain something of the re-organization of the Secretariat, particularly in view of the introduction here of what has become generally known as the "Membership system". It must be appre-

[Mr. Rankine] Secretariat creates work; that if I may say so, is very largely one of the reasons for which it is there. Its purpose is to consider the problems, to formulate policy, to make decisions, and then to communicate those to the officers in the field for execution. Naturally it creates work. As I have said, that is its purpose. The criterion should be not whether it creates work or not, but whether it creates unnecessary work or not, and I hope that is the way at which it will be looked.

The hon. Member for the Coast quoted an example of what happened in the Secretariat when he was there, and I am grateful to him for that example because it seems to me an admirable example or illustration. I am not sure, however, that I would draw the same conclusion from that example as he did. He offered it as a criticism of the Secretariat, or the efficiency of the Secretariat. I would say that it appears to me rather a criticism not of the Secretariat but of his own efficiency while he was in it! (MR. VASEY: Hon. Member for Mombasa.) I beg your pardon, the hon. Member for Mombasa.

THE CHAIRMAN: I must point out that in committee the rule of relevancy is strictly applied and that it is not permissible to answer points which have been made in the debate on the motion setting up the committee. That is laid down. I think you will find, in May's, page 703. If you reply to something that the hon. Member for Mombasa has raised in that debate, then of course it will spread and spread.

MR. RANKINE: No, sir; naturally I accept your ruling on that subject. The point I was going to try and make was merely this, that on the score of unnecessary work in the Secretariat the illustration which was made by the hon. Member for Mombasa appeared to me to show that the officer concerned ought to have seen that that plan, admirable as it may have been, was put into effect, and that in the Secretariat now it is our aim to see that plans of this nature are translated into fact.

Last year a good deal was said about decentralization and the delegation of work. I am glad to be able to inform this committee that a good deal has been

done in order to delegate work from the Secretariat to departments, that the work is kept under constant review with that object in mind, and that recently we have, particularly in the Establishment Section, been delegating a great deal from the Secretariat to departments.

Lastly, I would emphasize that it is not possible to reduce the Secretariat without an inevitable effect upon departments and upon services provided by Government. It is largely a question of cause or effect, and I suggest that we must be careful to avoid putting the cart before the horse. If a reduction is made in the Secretariat it will inevitably result in a reduction, or abolition, of a department or parts of departments which are stimulated and served by the Secretariat. For instance, if you cut a nerve you inevitably reduce the activity, or you immobilize the limb which that nerve serves. Thus, if, for instance, you wish to reduce a section in the Secretariat—say G or C—you will inevitably do away with the functions in agriculture or in commerce and industry which that particular section services.

Turning to the estimates themselves, hon. members will note that there is an overall increase of about £28,000 over last year's estimate. By far the largest item of that £28,000 is £4,000 which comes under item 57—salaries and allowances to unofficial members of Executive and Legislative Councils. (Laughter.) Well, sir, as it is not necessary for me to point out, that increase is due to the fact that the activities of Government are expanding and that there are additional reasons for travelling and allowances. Apart from that, about £14,000 approximately of this increase is in respect of new posts on the establishment, but all the new staff, with the exception of the proposed additional Assistant Financial Secretary, about which my hon. friend the Member for Finance will explain if necessary, were approved during the year by Standing Finance Committee.

The most important of the new posts is that of Secretary to the Treasury. That is a first step in our policy of separating the political post of Member for Finance from the permanent civil service post of head of the Treasury, a policy which I understand has general approval. In addition to that there is one

[Mr. Rankine] additional Assistant Financial Secretary, but these two new posts are to a certain extent offset by the deletion of the post of Deputy Financial Secretary. There is an Assistant Secretary to assist the Member for Commerce and Industry, an appointment strongly recommended by the Board of Commerce and Industry, and two European female clerks for these two new offices. There is an additional reporter for this Council, a post which I think all hon. members will agree was very urgently required. The strain on the two reporters that we had already, now that the proceedings of Council are very greatly protracted, was great, and, of course, we are anxious to get out Hansard more expeditiously.

Finally, there are 20 new Asian clerks and seven Africans. Of the 20 Asian clerks, 13 are required to assist the section officers—again in accordance with our policy of delegating work as far down as we can to relieve those section officers of as much routine work as is possible. One is required for the Secretary for Commerce and Industry and six for the Establishment Section. Seven African clerks are required for work in the Registry.

I have already said that the organization and the system are kept under constant review. We have had periodical meetings of all officers to consider any suggestions that may be made for improving the efficiency and organization. In addition to that, as the committee is aware, the Secretariat has been under examination by a firm of expert office consultants. They have been examining it very carefully, and they have submitted a number of reports, all of which are aimed at improving the organization and efficiency and at effecting savings. I am glad to say that nearly all the major recommendations made so far have already been put into operation.

In conclusion, I would merely like to reiterate that, if you cut down a part of the Central Government organization that will inevitably have its effect right out into the field, and I sincerely hope that the committee will see its way to approving this head.

MR. USHER: Mr. Chairman, it falls upon my rather unworthy shoulders to express a view held by many members

on this side of Council that this vote should be reduced by £9,000 in respect of items 1 to 49—(MR. RANKINE: What about item 57?)

THE CHAIRMAN: Each motion or amendment should relate to a single item in the particular vote concerned, according to Standing Rule and Order No. 43 (vi) (d) (iv), and such motion or amendment shall only be moved in the order in which the items appear in the estimates. If you wish to amend the motion now before the committee you must move to omit or reduce any particular item, then the debate will be upon that, but you cannot move to reduce by £5,000 items 1 to 49; that cannot be done.

MR. USHER: I accept your ruling. I think I had perhaps better first take up the last point made by the hon. Chief Secretary in regard to the large increase in this head.

MR. RANKINE: May we know what the motion is that the hon. member is moving?

THE CHAIRMAN: I take it that he is simply speaking to the motion that the head be approved.

MR. COOKE: On general policy, sir. Surely the hon. member can speak on general policy?

THE CHAIRMAN: I take it that the motion we are discussing is that Head 4 be approved, and the hon. Member for Mombasa speaks for his quarter of an hour, and after that, if he wishes to move that items in Head 4 be reduced or omitted he is entitled to do so. Until he moves some amendment I take it he is speaking on the motion before the committee.

MR. USHER: That is the case. Upon that particular point I think hon. members on this side of Council are quite conscious of the fact that there is a great increase in committees, commissions and boards which involve us in expenditure. This increase of £15,000 is important, and I do believe we ought to be very careful before we recommend committees and commissions on this and that and the other subject. This vote has been increased by getting on for £29,000, and that is, according to my calculations, 35 per cent; I am speaking now of the whole vote. That is a very large increase indeed. If it were possible to reduce it, if

[Mr. Usher] Government felt that was the right course, I can only say that we on this side should be grateful, because although we are not by any means opposing the principle that with the progress of the Colony there must necessarily be an increase in recurrent expenditure, what we are disputing in part is the manner in which the increase is distributed. The other day we had heard from the hon. Member for Nairobi South a very expert exhibition of what I should call "shadow boxing". In other words, what he did was to call up a spirit from the vasty deep of his imagination and then proceed to throw buckets of holy water on it.

Mr. ERSKINE: I called up those spirits from the correspondence columns of the local Press! (Laughter.)

Mr. USHER: I accept that explanation, but the point really is that from our point of view we were not opposing altogether any increase. What we are saying is that on a vote of this kind £9,000 could be saved, and £9,000 on a loan at 3½ per cent for 30 years would be £180,000, which would build us a new Secretariat—and if you care to alter the terms of it a little, a Secretariat with crystal chandeliers!

It has struck many people on this side of Council that two new departments have been created. There is your financial organization in the first place, and the establishment division in the second. Of course, I know that I shall be called again, or it will be implied that I am, a *laudator temeritatis acti*, but I cannot help going back to the time when the establishment of this country was run by one officer and one Asian officer. I cannot believe that progress has been such as to warrant the creation and maintenance of the posts in division (2), establishment division, of this head, that is, a Director of Establishments, a Chief Establishment Officer, four Establishment Officers, two European and 26 Asian clerks—and five African clerks. The total of the salaries of these officers and functionaries is £18,000-odd. That is 23 per cent of the total personal emoluments vote.

We have been told that the initiative which moves the departments in their functions lies in the Secretariat. My hon. friend will perhaps forgive me saying—

Mr. RANKINE: On a point of order, I did not say initiative at all; I said stimulus, a very different matter.

Mr. USHER: Policy is initiated.

Mr. RANKINE: I would dispute that.

Mr. USHER: Then I misunderstood my hon. friend. Nevertheless, I want to propound a theory which I think will probably have general acceptance. Maximum fertility is produced in circumstances of hardship, and in these circumstances most of the older generation of civil servants in this country were brought up. Time after time we were told, "You will cut your estimates by 10 per cent". We may not have done wonders, but we were able to carry on. I wish to emphasize the fact that where you get saturation you do not get the greatest fertility, although you may get the greater productivity. It appears now to be an accepted principle that reliefs should be provided. I think every department certainly in the Secretariat, used to be without those reliefs. There was that little hardship and difficulty in carrying on, but I believe that that hardship is a justifiable thing.

If in the past the savings on departmental votes, which while not very high did amount in the aggregate to a respectable sum, were set aside we should not now be faced with having to pay back half a million pounds in respect of the 1928 loan. Obviously the 1 per cent statutory provision was not sufficient, and here we are, from lack of that provision, faced with the awkward problem that we must either pay it back or we must provide for it in a way which will mean giving up some capital development which is entirely desirable.

In conclusion, I wish to emphasize the desirability of economy in these portions of the Secretariat vote for next year which are concerned with finance, and most particularly with establishment.

Mr. BLUNDELL: On a point of order, Mr. Chairman, I should like to get one thing clear in my mind. That is the rule that members on this side may or may not move to reduce. Had the hon. member moved a reduction of £9,000 in the total vote under Head 4, giving his reasons where that reduction might be effected, would he be in order?

The CHAIRMAN: No. I would refer members again to paragraph (d) (iv) under which we are now working, where you will see it says: "Each motion for an amendment shall relate to a single item in the particular vote concerned and shall only be moved in the order in which the items appear in the estimates". That seems to me to mean that when a motion is made to approve a head a motion to omit or reduce is an amendment to the substantive motion and is governed by this rule (d) (iv).

Mr. BLUNDELL: Mr. Chairman, I should like to say a few words on this vote, on the policy generally.

I think it is easy to get up and be destructive. I want to try and put a few suggestions forward to hon. members opposite. First of all, they may be minor points but they would tie up, I think, to the point of reduced work and numbers in the Secretariat. Last year, it will be remembered, the hon. Member for Trans Nzoia suggested that there should be a token vote, and he mentioned £500, in the estimates for provincial commissioners, which would be expendable under their own authority. I mention it because it does seem to me that a tremendous amount of the time of hon. members opposite is wasted by having to acquaint themselves with small matters during the course of their duties. That is one of the reasons why we get this enormous staff. For instance, in the debate last year the then Financial Secretary mentioned the case of some cattle which had died at Kisumu involving a matter of £129. To my certain knowledge that involved the time not only of the financial members, but of the Chief Native Commissioner, the whole of the members of the Standing Finance Committee and presumably various section officers under official members.

It does seem to me that we might consider at this stage in the Colony's development delegating a certain amount of financial authority to be controlled by provincial heads. I think myself that money which has been spent should be presented as money spent by the hon. Member for Finance and reported to Standing Finance Committee, as is done with certain items below £50 now. I also think it might be laid down that it must be a non-policy item—in other words it

is not an item which is going to involve us in precedents or policy. I mention that because I feel that is one of the things which is causing delay in the Secretariat.

Another point I think it would be as well to examine is whether we are not cluttered up with too many boards and committees on which the higher ranking members of Government have to sit. (GOVERNMENT MEMBERS: Hear, hear.) I hear hon. members saying "Hear, hear", but it is a curious thing, and I shall refer to it later under another vote, that so often, for instance dealing with land, you have a Land Advisory Board which makes recommendations on a matter and they vanish into the bowels of Government, and after about five months they are spewed forth again in an entirely different fashion.

The point I am getting at is that it seems to me that if you have a Land Advisory Board, on which you presumably have your experts on land matters, I consider myself that there is a tremendous amount of duplication. That duplication tends to come because hon. Members—with a capital M—opposite feel that at any moment they may be shot down in a committee such as Standing Finance Committee without full details. I do not want to go on these matters. I just want to stress that I do consider that, if we want to save the Secretariat, surely we should consider whether in 1950 we want the same system of strictly controlled finances and policy as we had in, say, the year 1910. In 1910, and even to-day, Government is considered an ogre, and hon. members on this side largely represent angels, but I am slightly doubtful whether that is indeed the case in 1950.

Mr. HOPKINS: Head 4, sub-head 2. This new Establishments Division seems to be another typical instance of what one might term Government's protoplasmic method of creating new departments. When the parent body—in this case the Secretariat—becomes too large and swollen it starts to break up and to put out smaller bodies. In the first place these smaller bodies are called "divisions" or "organizations". We have had other instances of them—even in last year's debate. Sooner or later they develop into departments, and in the fullness of time they themselves become large and swollen and start breaking up

[Mr. Cooke] into more departments. Now I see the nucleus of this new organization is going to carry the rather impressive title of "Director of Establishments". We have a Director of Agriculture, a Director of Education and various other directors.

MR. RANKINE: On a point of order, the Director of Establishments is not created this year; it was in last year's estimates. It was recommended by the Salaries Commission, whose report was approved by this Council.

MR. HOPKINS: Well, sir, I can only say that a large proportion of this Council did not approve of what was recommended in the Salaries Commission Report.

MR. RANKINE: That particular item was approved by everyone, sir.

MR. HOPKINS: Well, I presume, and I should not be a bit surprised to learn, that the officer who is going to have this post will be the person who is now the Chief Establishment Officer. I know he is a most efficient officer, but, without in any way attacking him personally, it is quite clear that he is going to get a nice little increase of £515.

MR. RANKINE: On a point of order, this is not a new vote. The man is already there. He was there last year. There is no increase in salary at all.

LADY SHAW: On a point of order, is it impossible for us to criticize posts which have already been created if we choose to do so?

THE CHAIRMAN: You may criticize. But it is a question of a statement of fact. The member must make himself responsible for any statement of fact he makes to the committee. It is allowed, under the interruption rule, that he may be interrupted and the error pointed out at once. That perhaps is a very good thing and we must not mind it. We must be prepared to be interrupted.

MAJOR KEYSER: On a point of order, I understood the hon. Member for Aberdare to say not that a new post had been created, but I thought he said that the head of the new department that was being created—

MR. RANKINE: On a point of explanation, the hon. member said that there

was an increase of salary of £500 a year for an officer. There is no increase.

MAJOR KEYSER: I am going back to the original suggestion.

THE CHAIRMAN: Perhaps we had better let the hon. member proceed. We have had enough interruption now under the rule. (Laughter.)

MR. VASEY: May I rise on a point of order?

THE CHAIRMAN: On a point of order, yes.

MR. VASEY: A real point of order. In order that we do not get into a cross-talk position, surely we must observe the rule that the member who is speaking must sit down before the interrupting member can continue?

THE CHAIRMAN: That should be so, by all means. In this matter of interruption it is necessary to catch not the eye of the Speaker, of the Chair, but of the member in possession of the Council or in possession of the committee, and get him to give way before the interruption is made. Will the hon. Member for Aberdare please continue?

MR. HOPKINS: I think all the necessary replies have been given by hon. members on this side. I will not argue any further about what I said or did not say, but it is quite obvious that there is here the idea of creating a new department. I can see nothing else in it. I have in the past criticized several times this growing habit of Government of creating a small new department to deal with work which could quite easily be dealt with—

MR. MATTHEWS: On a point of explanation—

MR. HOPKINS: I am going to go on speaking.

THE CHAIRMAN: The hon. member does not give way. When you observe anybody rising to interrupt you, you can after a while, when you have submitted to several interruptions, say "I will not give way."

MR. HOPKINS: In this instance, I am not giving way, sir. (Laughter.) I only wish to say that I have in the past protested against this growing tendency on the part of Government to create small departments to deal with work which

[Mr. Hopkins] could quite easily, and possibly far better, be dealt with by a department which already exists, and I have the greatest pleasure in moving the deletion of item 32, Director of Establishments, and item 38, 23 new Asian clerks.

MR. COOKE: Mr. Chairman, following what has been said by the hon. Member for Rift Valley, I would just like to give one or two examples of what I think might be called inefficiency in the Secretariat. I am not competent to criticize the internal organization of the Secretariat, but as an ordinary public person visiting the Secretariat and sitting on committees. I do, if I have my two eyes open, naturally notice what I think to be weaknesses in the present set-up. These may appear to be very trivial points, but nevertheless I am going to make them—

I think that the Secretariat officers make such a fetish of work that they now almost rejoice in overwork, and therefore my charge against the Secretariat is not, as the hon. Chief Secretary said, that no one would charge them with not working hard enough. Let me give this example. I may go in to see one of my hon. friends, the Chief Secretary or Deputy Chief Secretary, and I form the impression that they are almost too patient and too courteous. I think they let a lot of time be wasted in their offices by a good deal of waffling that goes on. That may or may not be very good form. While I am there, and sometimes, though people may not think so, I am a busy man, the telephone bell rings and there is a telephone conversation which may last two and a half or five minutes, and one waits and waits and waits, and it is obvious that the person on the other end of the telephone should be told to go to Hades, but he is not, and in the meantime that abuse, and I think it is an abuse, of the telephone goes on. I feel that a telephone is meant not for long conversations but for quick and snappy giving of information.

There is another point which was lightly touched on by my hon. friend the Member for Rift Valley, and that is with regard to committees. There is far too much waffling in this country, and I will impart a secret very confidentially to this Council, that at the moment we

on this side of Council at our meetings are also guilty of a great deal of waffling. (Applause.) But let me take a meeting of the Standing Finance Committee. Without in any way divulging any secrets of our discussions, somebody gets up with some bee in his bonnet about something and he goes on talking and talking and trying to make his point. I think the chairman in a case like that should say, "That may be your opinion, but we will put it to the vote now, and if you feel very strongly your opinion may be recorded". That is only one small example of the way time is wasted. Another time I may go into an office in the Secretariat about some specific subject and I find myself in five minutes talking about every single subject except the one I went in to discuss. Every single side issue seems to be brought up. That may seem trivial but it is an example.

My hon. friend the Chief Secretary mentioned one point just now which really was just the sort of point I was waiting for. He said that in the last 20 years the Secretariat has had to deal with such subjects as soil erosion. Surely to goodness such a subject should come under the hon. Director of Agriculture or the hon. Member for Agriculture, and should be handed over entirely to him, and if the Director of Agriculture or the Member for Agriculture do not do their jobs they should get the sack. The Chief Secretary, who is a very busy man, should delegate everything to do with agriculture and soil erosion and all that sort of thing to the Member for Agriculture.

These are very small points and I apologize to Council for taking them up, but "every mickle makes a muckle", and if all these small points are taken into consideration they do add to the burden of work in the Secretariat. No amount of organization and no amount of hard work will overcome the difficulties unless these small points are dealt with.

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

MR. HAVELOCK: Mr. Chairman, the hon. Chief Secretary when he addressed the committee stated that a firm of office experts had been inquiring into the Secretariat and that certain recommendations had been made, some of which had been

[Mr. Havelock] implemented I understood. I should be grateful if we could have more particulars of what recommendations have been implemented and may be implemented, and especially if any of these recommendations mean a reduction in personnel, because it is obvious that many members on this side consider that the establishment of the Secretariat is still extravagant and should be reduced.

Speaking to the amendment moved by the hon. Member for Aberdare—

THE CHAIRMAN: I was not aware yet that the hon. Member for Aberdare had moved an amendment. I have no copy of it.

MR. HOPKINS: I moved the deletion of two items, items 32 and 38.

THE CHAIRMAN: We will take one at a time. There is a motion to delete item 32. I do wish hon. members would, as they have been asked to do many a time, put amendments in writing. I take it you will speak on the motion to reduce item 32—by how much?

MR. HOPKINS: The deletion. But in view of explanations that have been made I should like to amend my motion if I may. That is I should like to delete item 38 and to make no further comments on 32.

MR. HAVELOCK: Mr. Chairman, speaking to that motion, may I ask for confirmation from hon. members on the other side that the 23 clerks under item 38 are all new posts. There has been a redistribution. I know of the clerical staff which last year were under the total head to this Establishment Division, but as far as I can work it out it looks to me as if these 23 or 21 are new posts. I should like that confirmed.

MR. PATEL: Mr. Chairman, I think that the mover of this motion has not followed what was said by the hon. Chief Secretary. We made it clear that 20 clerks have been added to the whole department, and to this division only six have been added. Seventeen were there last year. Therefore a reasonable amendment would be that it should be reduced from 23 to 17, as existed last year. The other 14 clerks have been added to item 22 and not to this side, and they have been added because the Standing Finance

Committee agreed to increase the number of assistant secretaries and what not. That is why it has been necessary to add clerks to the other sections of the Secretariat.

MR. VASEY: Mr. Chairman, while not discussing the merits or demerits of this particular amendment, I would suggest that the mere fact that last year's estimates contained 17 does not mean that we should not endeavour to move a reduction below that particular item. It may be that the position has altered since last year. Last year we may have been prepared to agree to 17. This year we may feel 16 is desirable. It is only a matter of principle. I am not discussing the principle of the amendment at this particular point. I think that to move the entire deletion is perhaps to do something which would stop the works completely.

MR. PATEL: Mr. Chairman, in that case one would like to hear the reasons why this department can function without any clerk whatsoever. The hon. mover should be in a position to inform members how the department is going to function without any clerks whatsoever. Then, of course, we can make up our minds whether it is a reasonable proposal or not.

MR. MATHU: In fairness to the hon. mover, the department will continue to function with the five clerks provided for under item 35. (Laughter.)

MR. RANKINE: Mr. Chairman, I am grateful to the hon. member Mr. Patel for pointing out that of the clerks under item 38 only six are new this year. I took the trouble to point that out when I moved the motion, but I am afraid it has been overlooked. The hon. member Mr. Patel is quite right, that if that item were deleted it would reduce part of the Secretariat, or reduce the efficiency of part of the Secretariat very considerably. The hon. member Mr. Mathu has suggested that it could continue to function with five clerks. Sir, I beg to differ. It could continue to function, but certainly not effectively.

Earlier in our debates one hon. member pointed out that in his view the Secretariat was top-heavy. Well, may I point out that if you remove item 38, if in fact it is top-heavy, which I deny, the effect would certainly be to make it much

[Mr. Rankine] more top-heavy and certainly most inefficient. I strongly oppose this deletion. I would suggest that hon. members should give the matter a little more thought before they move the deletion of a large item like that, which would obviously make the organization very inefficient.

MR. NATHOO: Mr. Chairman, when departments are separated like this from existing departments I think Government ought to take care to give the fullest possible explanation in the memorandum, because I am sure I am voicing the feelings of a few hon. members on this side when I say we are in confusion as to the number of posts last year and the number this year.

MR. RANKINE: I hoped that I had made it clear when I moved. I explained exactly how many new posts there were.

MR. HOPKINS: Mr. Chairman, I should like to say that I have given this a lot of thought, but the expenditure estimates seem to have been made as difficult as possible. You have a column here "1949 Establishment" and against the 23 there is nothing shown. I do not see how one could find these things out unless one has a detailed explanation. I still cannot see where the 17 clerks that are alleged to have existed come from. Surely it would have been quite easy to put in the column "1949" 17 against the figure 23 under item 38?

MR. BLUNDELL: Mr. Chairman, I should like to ask one or two questions of the hon. member opposite. As a result of the Salaries Commission Report a tremendous amount of work was thrown on this division, and if anybody at that time had visited the Director of Establishments he must have realized that. But surely anomalies and the questions arising out of the Salaries Commission Report must have now largely subsided. For instance, we are not getting very many cases through Standing Finance Committee now. Therefore I should like to have some explanation why this department has gone up.

MR. HAVELOCK: The motion before the committee is to delete item 38, I believe. I should like to propose an amendment to that, to reduce item 38 by £2,500.

MR. NATHOO: Mr. Chairman, before we can make up our minds as to the merits or demerits of the case we should like an explanation from Government on the point that the hon. Member for Aberdare asked, as to whether these 17 clerks were before they came down here.

MR. RANKINE: Mr. Chairman, as was explained in the memorandum, this is not a new department. Apart from the six clerks that I explained when I moved the head, there are no new officers in that particular section. The Establishment part of the Secretariat has always been part of the Secretariat. As the hon. Member for Mombasa pointed out, apparently in his time it was done by one officer and one clerk, but even then there was an Establishment part of the Secretariat. All that we have done this year, in order to try and make the estimates a little clearer, is that we have separated all the Establishment officers into one section, and that was explained in the memorandum. There is no intention, I repeat no intention, to create a new department. The position was that there were, under the old Secretariat vote, under the appropriate item, 17 clerks before. There is now an addition of six, which brings the total up to 23.

MR. HAVELOCK: Could the hon. Member reply to the hon. Member for Rift Valley as regards the anomalies of the Salaries Commission work?

MR. RANKINE: Mr. Chairman, the hon. Member for Rift Valley is quite right. Last year, as a result of the Salaries Commission Report, there was almost a complete reorganization of the service. As he pointed out, that threw a very great strain on the Secretariat. We were able to get through the work mainly by two means. In the first case the officers concerned worked a very great deal of time out of ordinary office hours. There was a great deal of additional work, for which I think great credit goes to the Director of Establishments and to all his staff. The other way we got over that was by employing additional temporary staff at the time, and I think the hon. Member, who is also, I believe, a member of Standing Finance Committee, will remember that we employed additional staff. Also, in the Treasury especially, we got permission to pay overtime to people who worked overtime. That was

[Mr. Rankine] the way we got over this particular spate of work.

On the other hand, sir, we have been examining the Establishment section of the Secretariat very carefully indeed. The firm of office consultants have made a very special study of the Establishment section and we hope that a very great improvement can be made there, particularly by delegation to departments. That is being done but it will, of course, be some time before the full effect of that reduction or that reorganization becomes apparent, but we do hope, sir, that when the effects do become known it will lead to a substantial saving. What exactly those savings are likely to be I cannot say exactly at this stage, but I do hope they will be considerable and that unless the volume of work continues to increase that there will in fact in due course, I hope during the course of next year, be a reduction in staff.

MAJOR KEYSER: Mr. Chairman, the hon. Chief Secretary said that item 38 was last year 17, and has now been increased to 23, but looking at last year's estimates, last year there was no Establishment Division in the estimates at all, and the total of Asian clerks was one clerk, Scale B Special, and 39 clerks, Scale B, that is 40 clerks. In items 21 and 22 there are two scales, two B Special and 36 clerks Scale B, that is 38 clerks as against 40 last year, though those 40 last year included the whole of the Asian clerks of the Secretariat plus the Establishment Division and all. That 40 has now been reduced to 38, and on top of it they have another 23, so I take it the total increase of Asian clerks is 21 in the Secretariat. That is the point we are getting at.

The reason why I support this motion is that it is a fact, an historical fact, that all headquarters tend to become top-heavy and to increase. I remember reading a story of the Boer War and Kitchener dashing back from the front to Pretoria and sacking half the general staff at headquarters because they had grown top-heavy. It happens in commercial businesses; in every organization there is a tendency to build up the headquarters and allow it to become top-heavy. Every head of those headquarters has always defended it most eloquently

in the manner in which the hon. Chief Secretary has defended it to-day, but if it is not checked it is inevitable that it will grow. I would, sir, like an explanation of how the total number of Asian clerks has increased from 40 last year to 64. That is the figure that it is.

THE CHAIRMAN: In order to avoid any overlapping I would point out that the motion now before the committee is to reduce item 38 by £2,500 and members should speak to that motion until we dispose of it.

MR. PADLEY: Mr. Chairman, with your permission I would like to attempt an explanation which I hope will be satisfactory to hon. members with regard to this increase in Asian clerks.

In the 1949 estimates the establishment of Asian clerks was 39. This year, as the hon. Chief Secretary said in moving this motion, there has been an increase of 20 Asian clerks. These are shown in increases in items 22 and 38. The establishment of clerks for 1949 was 39, the establishment in 1950 is 59, hence an increase of 20. Of those 20 clerks 13 clerks have been recruited as assistants to section officers, one of the clerks is for the Member for Commerce and Industry and six of the clerks are for the Establishment Division. These clerks already exist, they are not new; they have been approved during the course of this year on the recommendation of the Standing Finance Committee.

With regard to the point raised by the hon. Major Keyser, there is an increase in Asian special grade clerks. This is offset, however, by a reduction in European clerks under item 17. Now this may not and will not be immediately obvious to hon. members because the numbers are the same in 1949 as in 1950. However, in 1950 two additional clerks (European) were created, again on the recommendation of the Standing Finance Committee, for the department of the Member for Commerce and Industry, and so, while the numbers remain the same, the figure of 23 in 1950 conceals an increase of two posts, two existing posts of European clerks having in fact been surrendered and replaced by Asian clerks. I hope that explanation will be satisfactory.

MR. NATHOO: Mr. Chairman, rising to speak on the amendment before the committee, I am led to believe that this amendment has been moved simply because we are all confused as to how and where this reduction should take place. Some members were under the impression that they would be in order to move an overall reduction of the department and as soon as that has been ruled out we are simply confused and we say, "Let us get on to that". I think that on this side of the House there is a feeling that the Secretariat vote should be reduced and not just the vote for this particular item. I do not think we are showing great wisdom without going into the case very deeply, and we must consider what we are going to do before we finally vote on it. Another thing, some mention has been made about the office consultants who were appointed by the Standing Finance Committee. How is it we have not seen any report of that committee?

MR. HAVELOCK: On a point of order, is it permissible to go back? We are now dealing with item 38. Will an hon. member be able to move anything on an item before 38?

THE CHAIRMAN: I do not think he can after the question has been put and voted upon. If someone wants to move an earlier item, they have done so before. Nevertheless, they would be in order to move a motion now before the question is put on our present motion.

MR. COOKE: When this vote was discussed last year I reminded the hon. gentleman that I said in my speech that if he could produce these reports of the office consultants and from the Efficiency Committee it would be very much easier for us on this side of the Council to judge on the merits of the case. I said that last year. A year has gone by and we have not received those reports yet. It is very difficult for us to judge on the merits of the case.

MR. PATEL: Mr. Chairman, going through the whole vote—I have gone through Head 4 very carefully on account of these discussions—I noticed that the increase in personnel is one secretary to the Treasury, two assistant financial secretaries, one assistant secretary, two European clerks—that is item

35—one reporter and 23 Asian clerks. That is the increase in personnel *in toto*. Now when we discuss the question of the increase I think it will create a great misunderstanding if we select a particular item, a deletion of a particular item, knowing full well that 17 of those clerks were those who have been in employment for a number of years. Therefore, if the unofficial members desire to reduce the expenditure, the only way would be to approach it in a more scientific manner by moving the deletion of the new employees and not touching the old employees until a case is made out that we can reduce the number of all employees in the Secretariat, otherwise the confusion will be much greater and some of the members who may have sympathies with a reduction in expenditure also may have to vote against the proposals because it was moved in a slipshod manner.

THE CHAIRMAN: Again I would like to point out that the motion before the committee at the moment is the motion to reduce 38 by £2,500. I have said that now twice with the hope of avoiding members discussing the other motion which is to delete the item altogether. We will come to that afterwards.

MR. RANKINE: Mr. Chairman, in order that there should be no confusion and particularly no recrimination on this I would like to draw the attention of the committee to this, Standing Rule and Order 43 (vi) (d) (v), which says: "After the question has been put by the Chairman and voted upon for omitting or reducing any item, no motion or debate shall be allowed on any preceding item".

THE CHAIRMAN: I have already said that, because it is still open to someone else to move another one, but we will have to speak to this one till something is moved.

MR. HAVELOCK: Mr. Chairman, if I may point out to the hon. Member for Eastern Area, my amendment to the motion of the hon. Member for Aberdare falls in with his own suggestions. The reduction of the vote under item 38 by £2,500 covers approximately six clerks which are the extra staff that have been given to this particular division this year. Sir, may I move, as possibly this is the only opportunity, the reduction of item

[Mr. Havelock] 34 by one? Is that permissible, or do you want me to move the amount of money, £1,000? If I may speak to that—

THE CHAIRMAN: That is now before the committee.

MR. HAVELOCK: I realize this, that it is not an extra post, that there were four establishment officers last year, but even last year in the budget debate I drew special attention to the establishment officers and made the point that I considered that they were, even then, too many and that they should be investigated to see if some reduction could not be made in that particular division, I therefore, as no reduction has been made, move this motion now.

THE CHAIRMAN: It is proposed that item 34 be reduced by £1,000.

MR. HOPE JONES: Mr. Chairman, referring to items 34 and 38, as the question has not yet been put, I would make one observation. That is, in any business, in any concern, that employs as many people as this Government does, it is absolutely essential that there be personnel for the Establishment Department. I do not feel that any responsible member can question the principle. Hon. members have also mentioned that during last year there has been a very great deal of extra work consequential upon the Salaries Commission Report. It may well be, as my hon. friend the Chief Secretary has pointed out, that economies will be possible in the course of this year, but when this Government and this Legislature is directly and indirectly responsible for the well-being of a great many people who are faithful and conscientious servants I should have thought that about the last thing to cut was that very small division of the Central Government that looks after their welfare, their pensions and so on.

I let me quote a single example. A man, for instance, wishes to settle some point arising of a personal nature. It may affect his rights in regard to assistance under certain particularly difficult domestic circumstances. That type of remedy is practically useless unless it is dispatched with speed. The same thing applies—I could quote an example, though names would not be suitable in this committee—

of a girl stenographer who found she was being underpaid. She raised the matter and I received a letter—it was on my desk this morning—pointing out that she had received satisfaction. The point was that she was pleased because the thing was dealt with quickly. If she had had to wait for weeks and months as might well be the case if the Establishment Division was too small, we should have had a discontented officer in the service.

So that is the whole crux of the matter. Is the Establishment Division giving satisfaction to the large numbers of people employed of all races in the service? My own reply is that in my experience and in the experience of those who are directly responsible it is. It is giving a great deal more satisfaction than it was some years ago when it was understaffed and when there were invariable delays. I do feel before voting on these proposals which have been put up in detail that we should consider the result on the morale of the whole of the service of this Colony.

THE CHAIRMAN: I see that I have gone wrong. Rule (iv) says: "Each motion for an amendment shall relate to a single item in the particular vote concerned and shall only be moved in the order in which the items appear in the estimates". Therefore I was quite wrong in proposing from the Chair the motion now to reduce 34 when we had got as far as 38. We must stay with 38 now we have got there.

MR. BLUNDELL: On a point of order, would that not apply, sir, where the items had been called. In this particular instance, item 38, the hon. Member for Aberdare took to himself the right to call out a number and supposing someone popped up and shouted item 61 we should all have been left speechless.

THE CHAIRMAN: Not at all. You can always give notice of your amendments. Though you are not bound to give notice, you are at liberty to give notice and put it on the order paper and therefore keep the other fellow with 61 out of it.

MR. HOPKINS: Would it not hurry things up and obviate all this muddle if the items were called as you did last year—if you went right through them

[Mr. Hopkins] and called them? We had no trouble last year when we got down to that.

THE CHAIRMAN: I only hope we will not adopt the method we adopted last year.

MR. BLUNDELL: I want to answer a point put forward by the Member for Commerce and Industry. All we can deduce from this sentimentality—

MR. RANKINE: On a point of order, could we know exactly what motion we are debating first?

THE CHAIRMAN: The motion to reduce 38 by £2,500, and if nobody else wishes to speak to that I will put the question.

MR. COOKE: I would like to answer the Member for Commerce and Industry as well.

MR. BLUNDELL: I want to ask hon. members on this side of the Council not to be led away by the specious and rather sentimental pleas which were put forward. (Hear, hear.) The truth of the matter is that if what he said was correct, either the whole fabric of Government would have broken down long ago because of the extremely serious dissatisfaction prevailing among everyone; either that would have happened, or else members to-day are very satisfied. Now, I think it is one certain fundamental fact of Government service that no one in it is satisfied, and you do not want to imagine that by increasing the establishment division you will automatically remove all dissatisfaction, because you will not. I think what hon. members on this side are getting at is that they do view with a certain amount of alarm the increase in this division. That is all.

MR. MATHU: Mr. Chairman, I did not want to intervene in this motion reducing item 38 by £2,500, but as now I learn there is no other chance of having a motion on items 1 to 37, I think I ought to say something.

I am opposed to the reduction of this item by £2,500 or by any other amount. I am opposed to it because I feel sure that what we have been demanding from Government is efficiency, and I think it has been made clear by Government speakers that an increase of six persons for the establishment division was

necessary for efficiency, and I personally feel that it would be wrong for us to reduce that vote because it would mean reducing efficiency. I agree with hon. members that too many cooks may spoil the broth, but I do not think we have reached that stage yet in the Secretariat. The particular division—I do not like the word division, it has a military flavour! I will say section—in the establishment section, I do not think we have reached the stage where we can say too many cooks spoil the broth. Therefore, sir, I feel that this item should stand as it is put in the estimates.

DR. RANA: Mr. Chairman, it was not my intention to say much, but I must say that after missing last week's debate, I was a bit confused in the beginning when I came to-day, and I must say even now I do not know where we are this morning. It is my intention, sir, in the education vote to suggest—

THE CHAIRMAN: We cannot discuss the education vote at this stage.

DR. RANA: —to move, sir, that we members should be given a training class to learn the procedure of this Council. (Laughter.) I oppose the motion moved by the hon. member.

I am very sorry, I do not think originally the mover's idea was to bring up the racial question but we take it that has come, after all this debate, to the question of the racial issue. (MEMBERS: No, no.) I hope that is not the intention, but I must say it would have been very much better if the hon. member could have moved a certain reduction in the general vote. We have not got the training—we ought to have done it before. The position is that after appointing a Director of Establishments, Chief Establishment Officers and various officers, there must be clerical staff (no general can fight without soldiers), and to suggest now that we should go on reducing the number of clerks as much as we can—I am of the opinion in this country it has become a matter of habit, the European wants an Asian assistant, the Asian wants an African and if there is a fourth race, another assistant will be required. I move that the matter be left to the hon. Chief Secretary to make whatever reductions are possible in general; instead of moving that a special sum be taken off we should allow this

[Dr. Rana] item to go through, otherwise there will be a lot of inconvenience and trouble, not only to Government but all over the various departments. Moreover, I think the Standing Finance Committee, without any consultation with the unofficial members, goes on piling up the supplementary estimates, then at the end of the year we have this waste of time. The supplementary estimates should be more carefully prepared and a rule to that effect should be passed. I oppose the motion.

LADY SHAW: Mr. Chairman, I wish to support this motion but, in doing so, I have to say that I definitely regret having lost my opportunity which I hoped to get of attacking some of the other people higher up. I have the deepest sympathy with the hon. Member Dr. Rana in his feeling that after all this talk and the dust of battle all we are going to go and attack are six wretched Asian clerks. That I think is tragic. I only support this motion because I believe quite firmly that we are right in this and that it is our duty to attack this Secretariat Vote. I am terribly sorry, terribly sorry, that we have as the result of an accident and a rather hasty choice of item on the part of the hon. Member for Aberdare been limited to the very tail end of this swollen vote. I wish to support the motion. I do it most regretfully wishing I could have attacked someone higher up.

MR. RANKINE: Mr. Chairman, what disturbs me more than anything else is what has been pointed out by some members on the other side—the haphazard manner in which this vote is being attacked. So far we have heard really no arguments at all based on any facts as to why any of these votes are excessive. We are told all along that members feel or members must emphasize, etc., that they are excessive. We are told that it is wise and right to reduce them, but nobody has actually produced any real argument why this has increased unnecessarily. I asked particularly early on that such arguments should be put forward, and I think what the hon. members Mr. Mathu and Dr. Rana have said is quite right and has much point.

The particular vote is a reduction in what has been called the establishment division and some hon. members have

taken exception to what has been said by my hon. friend the Member for Commerce and Industry. But now there is another side to this: that the Salaries Commission when recommending the appointment of the Director of Establishment said this: "If the administration of any Colony is to be conducted on sound and economical lines; and if the civil servants in its employ are to be a contented body of men and women, it is essential that there should be an officer of high standing responsible direct to the Chief Secretary . . ."

Then they go on to say: "The functions of a Chief Establishment Officer fall into two broad categories. In the first place he should be responsible to Government for all matters relating to the organization and staffing of every department of the Civil Service."

That is one. This is the other which is most important and which I hope the committee will bear in mind: "It is for him to determine, in consultation with its Head, whether any department is over-staffed . . ."—let me emphasize that—"whether any department is over-staffed, or under-staffed and to take the necessary steps to rectify the position. He should keep under review the proportion of higher to lower posts in order to secure, as far as possible, an even flow of promotion in the several departments. He should be on the watch to prevent waste of manpower and, in this connection; should consider how far the substitution of mechanical aids for personnel would conduce to more efficient and economical working."

That is what the Director of Establishments is there to do, and that is all his staff is there to do. In reducing that staff arbitrarily without any argument, without any basis for proper consideration, what are we doing? Are we promoting efficiency or are we promoting inefficiency? I suggest that if we are to promote efficiency and economy, this division—which is there among others for that purpose, should be left as it is.

MR. COOKE: May I reply to that, Mr. Chairman?

THE CHAIRMAN: There is a rule about speaking more than twice. I only point it out. I think the hon. member Mr. Mathu has spoken twice.

MR. MATHU:—

MR. VASEY: On a point of order. The rule about speaking twice surely refers to Committee of Ways and Means, whereas in Committee of Supply we are entitled to speak more than once?

THE CHAIRMAN: I think it does.

MR. COOKE: May I reply? Two years ago when the matter of the increased Secretariat came up, we were assured as far as my memory goes by the hon. Deputy Chief Secretary that that was his last demand, and we agreed to an increase in the Secretariat. I have consistently and inconsistently in the last two years protested both in the Standing Finance Committee and in Council against this continuous increase. The gravamen of the charge or the statement of the hon. Member for Aberdare was this, that this particular section goes on growing and growing and growing. It is difficult to lay a finger on a particular item that is growing, but he did put a finger on two particular points. Our point is that the efficiency of the section will not be diminished by the economies we are proposing. If I thought it would be, I would not agree to this amendment, but our point is that it will not. It can be cut down and can be carried on efficiently. Therefore I strongly support this motion.

MR. THORNLEY: Mr. Chairman, reference has been made to a statement I made last year. It was, I think, perfectly correct. At the time we made it we had the establishment under review actually during the time when the Salaries Commission was sitting, but even so I think I should be taking into myself a much greater stature than I actually have in the Government if remarks I made eighteen months ago on staff matters are not capable of coming under review by the Standing Finance Committee when I am on leave. I understand from the hon. Chief Secretary that in these estimates what has happened is that we have acted on the advice of the Standing Finance Committee given while I was on leave last summer. When discussing these matters eighteen months or two years ago, the general view was given of what Government wanted and what was required but things change, and I understand that the fact that the change has taken place was recognized by the Standing Finance Committee.

MR. MATHU: With your leave, Mr. Chairman, I move: That the question be now put. (Applause.)

The question was put and carried.

The question that item 38 be reduced by £2,500 was put and negatived on a division by 23 votes to 10. Ayes: Messrs. Blundell, Cooke, Havelock, Hopkins, Keyser, Maconochie-Welwood, Preston, Lady Shaw, Messrs. Usher, Vasey, 10. Noes: Messrs. Anderson, Chemallan, Davies, Deverell, Hobson, Hope-Jones, Hyde-Clarke, Jeremiah, Matthews, Mathu, Mortimer, Nathoo, O'Connor, Ohanga, Padley, Patel, Patrick, Piram, Rana, Rankine, Rhodes, Salim, Thornley, 23. Mr. Erskine paired with Mr. Gillett.

MR. COOKE: Is the hon. gentleman in order in pairing when he is present for a division?

THE CHAIRMAN: What an hon. member does with his vote is no concern of mine.

MR. VASEY: Mr. Chairman, on a point of order before we proceed to the next business, may I ask for your ruling with regard to Standing Rule and Order No. 108. It is to me an important point of order. It is, I think, not the desire of the European members of the Council to interfere with the administration of Government by a reduction of any particular item such as the debate we have just seen. The mistake comes from the fact that the full interpretation of the new rules have not been considered in regard to the position that they thought might be possible, that was, moving a block reduction and if possible, with your permission, moving the suspension of Rule No. 43 (vi) (d) (iv) and (v). That would meet the position, and I think it would shorten the argument in this Council considerably on those items; if that could be done. That would mean that when we arrive at a vote such as the present vote there could have been one motion for a block reduction of £9,000. The manner in which the reduction would have been made would have been left with the member concerned or Government as a whole. If I am at liberty to move that, I should like to do so, in order to shorten further discussion.



MR. RANKINE: Speaking on the point of order, I am afraid that I have not got the Letters Patent or Royal Instructions here, but I believe such a reduction requires the Governor's consent. Is that not so, sir?

MR. COOKE: I am not agreeing with my colleague over this because I think we should mention the items. I think we should take the responsibility. It is easy to say "Reduce the vote by £10,000", but we should take the responsibility for our recommendations, and I oppose.

MR. VASEY: On a point of explanation. It is not a question of responsibility—I am willing to take responsibility as I have done for a reduction of a particular item. I am trying to find some way of facilitating the dispatch of business, otherwise we are in for a long range marathon worse than last year.

MR. RANKINE: Mr. Chairman, I will answer that point.

Before the debate started I took a great deal of trouble to draft and prepare and to submit to the Unofficial Members Organization a suggested procedure for governing this debate. I received no reply to that; I sent, I think, two reminders. I submitted it, I would like to inform Council, well in advance of the time for this debate in an effort to produce a constructive method of approach. In the end, I was informed that this was the procedure which this Council wished to adopt. I accordingly fell in with the wishes of what I understood were those of the hon. Members opposite. I moved this amendment to Standing Rules and Orders on identical lines to that which was adopted last year. I did that because I was told that that was the wish of the Council this year, and I suggest that in view of what has happened we should carry on on those lines.

MR. O'CONNOR: Mr. Chairman, I support what has been said by the hon. Chief Secretary, and I do suggest that it would be very risky on a kind of snap motion of this sort to upset the procedure which has been very carefully considered and has been agreed upon so recently as governing this debate. I really do not know where we should be if we merely suspended Standing

Rules and Orders in order that something that none of us quite fully understands could be put forward. I would like to support what has been said by the hon. member opposite, that it seems to me reasonable and in accord with parliamentary tradition that the item in the vote which is attacked should be attacked individually. I do not see how members of the Council can possibly be expected to give any thought and a properly considered vote on a mere general suggestion that a particular vote should be reduced by a certain amount.

LADY SHAW: Mr. Chairman, I cannot allow this to go by without referring to the speech made in this Council about a year ago, at the time the estimates were presented, by the hon. Member for Agriculture. I remember very well that he made this very point. He said that if his vote was going to be cut, he should like to choose where it would be cut, and it was particularly as a result of his remarks that members on this side adopted the method which they have taken in this debate. He at that time was the only person who expressed his view on the subject, and he was not referring to members on this side of Council but speaking to the hon. Financial Secretary. I think all of us have borne that suggestion in mind. It is not an attempt on our part to produce difficulties for the Government, but to try and make it easier for them, so that if there was one man the Chief Establishment officer wanted to get he could do so, or get rid of somebody else. That is the reason for doing this.

MR. VASEY: On a point of order, I want your ruling on Rule No. 108.

THE CHAIRMAN: I understood you to ask my permission to suspend the Standing Orders. You are in order in asking my permission. That is a vastly different thing for me after all that I have heard in this Council on the evils of suspending Standing Orders to grant it. And further, I do not think that I ought to grant it in this particular case because it was quite open to members to read these rules. They have had the opportunity, only a week ago, of not passing them at all. You could have thrown them out but you passed them last year, you passed them this year, not only for this session but for the life of this session,

[The Chairman] and I think we ought not to suspend them in any shape or form but we ought to learn to use the tools and not grumble at the tools. (Government applause.)

We shall move now to the next Head. The motion before the committee now is to omit 38 altogether. A large number of people have spoken on it. I do not want to take up too much time.

MR. HOPKINS: I am satisfied, I do not want to press it.

Before we move on I would like enlightenment on the point I brought out. How are we to know on this side in what order we are to speak? Unless we all jump up and declare item 1, item 6, item 8, we will not know in which order to speak, and someone may propose an item far down on the list and all the others who want to deal with previous items may again be precluded. Could you tell us how you propose to deal with that?

THE CHAIRMAN: I do not propose anything except to try and stick to the rules which is very difficult at any time. But I have a note before me in which it says it has been agreed in the Sessional Committee that in order to expedite the proceedings in Committee of Supply, the expenditure estimates will be introduced by heads and sub-heads and not item by item. Now when a motion is made to approve a head or a sub-head, it is quite open to anybody to rise and move that item 1 be reduced or be deleted or item 2 or item 3—whatever you want to raise in debate—and you can under the rules—item 38 was raised just now—you can refer back to other items provided they are relevant to the subject of that debate. You are not precluded from mentioning the items or anything of that kind. It is a question of argument, but I do not feel too inclined to alter what I have been given to understand has been approved by the Sessional Committee.

MR. COOKE: I think, sir, with all due respect to the Member for Aberdare, he was at fault himself. When discussing the principle of the head, he introduced a motion on a certain item. If he had contented himself with mentioning he was going to do so and discussed the principle, the difficulty would not have arisen.

THE CHAIRMAN: The heads are being taken in the order in which they are in Volume III. That is understood, and it is possible for any member to give notice of any amendment. He can put it on the order paper and hand it to the Clerk the day before and he then has precedence over those who simply want to raise the matter at the last moment.

MR. HOPKINS: On a point of explanation, I would like to put the hon. Member for the Coast right. I did say before I spoke "Head 4, sub-head 2". I said that perfectly clearly before I said any other words on the matter. It was not my mistake.

THE CHAIRMAN: It would be much better if you would give notice; that would ease the matter. The debate can now be resumed on the general motion to approve 4 and 4A. That is before the Council.

MR. PATEL: Before you take it further, I wish to move that item 41 be deleted. On this side, the feeling was that the expenditure on the Secretariat has increased too much, and when we hear of the increase in the personnel in this division it seems it is not necessary to provide for reliefs. Those who do not go on leave should carry on the work. In order to express the feelings of this side as well as to show that reliefs are not necessary, I move that that item be deleted.

THE CHAIRMAN: It is proposed that item 41 be deleted.

MR. RANKINE: Mr. Chairman, I wish to oppose the deletion of this because I think it is well understood that when officers are not there, if the work is to be carried on efficiently, it is obviously necessary to have reliefs. If we do not have reliefs, it would reasonably be expected that you should increase the actual establishment in order to provide for reliefs. It seems to me a much more efficient and economical manner to do it to provide for them only when they are necessary, and I would strongly oppose the deletion of this item.

It appears to be the general impression that these votes are being swollen unnecessarily. (Hear, hear.) I can assure hon. members that they are all considered most carefully. Not only are they

[Mr. Rankine] drawn up with the greatest of care but they go under the very close scrutiny of my hon. friend the Member for Finance. One hon. member opposite in referring to item 57 said that the need for the increase was obviously due to the increase in work in committees, boards and all the rest. Well, I would remind this Committee that all those boards and committees and other things to which hon. members opposite travel in order to attend, and for attending which they are paid, throw a great deal of work on the Secretariat. Somebody has to prepare the material for it. Somebody has to act as the secretary. Someone has to deal with the recommendations made as a result, unless of course they are just to be stuck in a pigeon hole and there to remain for the rest of their lives. A great deal of a great many of those committees are appointed as a result of motions moved in this Council and all that does lead to additional work.

With regard to this particular item, the Establishment Division, the amount of work in that division and the number of officers required are directly related to the amount of work that goes on. They are directly related to the number of officers in the Government service and that is the reason why these votes do increase. Now, one hon. member did say that we must call a halt once and for all to these increases. Someone else said that an assurance had been given, or ought to have been given, that this is the last demand. I see the hon. member smiling — it certainly makes me smile too — because it is possible to give such an assurance in, as I tried to show in the main debate, a young and growing country? Everybody must know that to give an assurance of that kind would be quite unreal. It would be completely impracticable. If you could say to-day that this is Kenya, that is all it is going to be, that this is the end of development, the end of increases, the end of expansion, then you would be able to give it, but as everybody knows it is not, and for that reason you cannot give it and, sir, I beg to oppose.

MR. HAVELOCK: Mr. Chairman, I support this motion very strongly and especially as we have been asked for facts and reasons why we support these things,

because I understood from the hon. Chief Secretary when he was speaking just now that these industrial consultants are expected to make certain economies, and during the course of next year we can look forward to economies in the Secretariat and especially obviously in the Establishment Division, in which case I submit that reliefs will not be necessary, especially in the Establishment Division.

MR. COOKE: May I point out that the hon. Member for Ukamba has been carrying on the management of a large farm without any relief while her husband has been at home? (Applause.)

MR. RANKINE: Sir, before we put it to the vote, I would like to say this. I said I hope that as the result of the recommendations of the consultants it will be possible to effect a saving, and I have said also that I hope that it will be possible to effect a substantial saving in this division, but that does not mean that we will not want reliefs, and I would suggest to hon. members that to delete a whole item is not being realistic and it is not really being very understanding of our difficulties. If they wish to demand a reduction, as they are perfectly entitled to do, then I suggest they should reduce it by a certain figure, but to cut the thing out altogether is, as I have suggested, not very realistic. I would like to suggest to them before it is put to a vote they might reconsider it and suggest say, if they do wish to press the matter to a division, that it might be reduced by a certain percentage or something of that kind.

The question was put and negatived on a division by 18 votes to 15, one not voting: Ayes—Messrs. Blundell, Cooke, Havelock, Hopkins, Keyser, Macdonachie, Welwood, Nathoo, Patel, Preston, Pritam, Rana, Salim, Lady Shaw, Messrs. Usher, Vasey, 15. Noes—Messrs. Anderson, Cavendish-Bentinck, Chumlan, Davies, Deverell, Hobson, Hope Jones, Hyde-Clarke, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patrick, Rankine, Rhodes, Thornley, 18. Did not vote—Mr. Jeremiah. Paired—Mr. Erskine with Mr. Gillett.

MR. USHER: Am I in order in making a general remark?

THE CHAIRMAN: If no one wishes to move any other amendment, the debate will continue on the main motion to approve 4 and 4A. I am simply waiting to see. If there are no other amendments we will continue the debate on 4 and 4A.

MR. USHER: Probably I am not alone in my sense of deep frustration caused, I admit, by our acceptance of the amendment to Standing Rules and Orders which has just been discussed. I think perhaps it might clarify the position which I am in myself and which I think many members on this side of the Council are in if I explain that our attitude to the budget as a whole was this, that there was a marginal surplus and that what we wanted to see, considering that revenue was buoyant, was a measurable surplus and that measurable surplus should be achieved by deductions from the expenditure votes. Upon this particular Head there was this increase over last year's estimate of £28,000 roughly. A third of that we quite realized was unavoidable and we cut the other £18,000, at least that is the way I looked at it, or roughly £18,500.

What I think was certainly in my mind was this: that any prudent man in the times of his prosperity does not spend all his surplus for that year upon objects which may be desirable in themselves and which will contribute to his well-being. He puts a certain amount of it into insurance and that is what we are trying to urge the Government to do. The hon. Member for Ukamba has very carefully explained why it was that we felt we ought to leave it to the Government to select those items which it felt should be reasonably reduced. I am left, personally I feel, with nothing to do but to make this *cri-de-cœur* and to appeal strongly to hon. members on the other side to meet our wishes on this matter and to reduce their vote by £9,000.

THE CHAIRMAN: I do not follow the hon. member's last remark. Is it a motion?

MR. USHER: No, sir, it was a recommendation.

MR. O'CONNOR: Sir, may I say one word upon this question of the Standing Orders. I do not think that there need really be any frustration if we work the

debate according to these orders, and I think that as we go on we shall learn probably better how to do it. I would like to make one remark with regard to what has been said by the hon. Member for Ukamba. It is, I believe, quite true that the hon. Member for Agriculture did say something—I forget exactly what it was—about wishing to have the discretion to say where his vote for the departments under him should be cut if they had to be cut at all. That is quite understandable and I would, to a great extent, agree with it, but what I pointed out was that we should be without a guide and really much more at sea than we are at present. If we sacrificed these carefully thought-out Standing Orders and substituted nothing at all, and I went on to say, and I still think, that it would not tend to an informing and considered debate if we had no intention from hon. members opposite of the items in the vote to which they objected. If we simply had "Head so and so is to be cut by £2,000", well, we do not know why they want it cut by £2,000, and I still maintain that we should have that guidance, and we can best get that guidance if you will tell us the items to which you object.

MR. RANKINE: Mr. Chairman, I would like to say a few words on this point. The matter to which the hon. Member for Ukamba was referring was quite a different one. This is what the hon. Member for Agriculture said: "From my point of view I would like to say this, that in the first place I hope that in future the total sum which can be allocated in the opinion of the Government"—"in the opinion of the Government", let me stress that—"as a whole to the individual members for their particular departments will be settled rather early in the year. I mean one will have to approach the problem in this way: that there must be a sort of shot at what the total revenue for the coming year is likely to be and that a proportion of that revenue can be allocated, for instance, to the department which I have the honour to control. Having done that, I think much more latitude should be left with the member concerned as to how he is going to spend the money. If, when he has proposed his estimate on this basis, in the opinion of the financial authorities his demands are too great, it

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[Mr. Rankine] must be left to the member concerned to reduce his expenditure in the way he thinks right. That is exactly what was done this year.

LADY SHAW: On a point of explanation, I would like to point out to the present speaker that that is exactly what I said. It was in a discussion with the Financial Secretary and not with this side of Council. Though I did not look up my references I am deeply grateful to the hon. member for having done so, because that is exactly what I said.

THE CHAIRMAN: I must point out that we are, really dealing with a particular vote under a particular Head, that is Heads 4 and 4a in committee, and what members are discussing are general matters about procedure, about procedure which should be raised on a substantive motion at the proper time.

MR. RANKINE: I do not know whether you wish me to curtail my remarks on that.

THE CHAIRMAN: At any time whatever this is raised, whenever you attempt to answer any point it will be objected to in any event, so it is hardly worth while pursuing, it seems to me. If there are no other amendments I will put the question. The question at the moment is that Head 4 and Head 4a be approved.

The question was put and carried.

MR. RANKINE moved: That the committee rise, report progress and ask leave to sit again.

Council resumed the report was adopted, and leave given to sit again.

## ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Wednesday, 7th December.

## Wednesday, 7th December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Wednesday, 7th December, 1949.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

## MINUTES

The minutes of the meeting of 6th December, 1949, were confirmed.

## ORAL ANSWERS TO QUESTIONS

## No. 65—HORSE DISEASES

MR. ERSKINE:

Is Government satisfied that the steps taken by the Veterinary Department to control ulcerative lymphangitis in horses are adequate and efficacious?

MAJOR CAVENDISH-BENTINCK: As it is presumed that the purpose of this question is to elicit information I propose with the leave of Council to give a full answer.

(1) The Government is satisfied that the steps taken by the Veterinary Department to control ulcerative lymphangitis are efficacious, as judged by the incidence of outbreaks of this disease.

(2) During the last five years the following outbreaks have occurred:—

1945	15 outbreaks
1946	4 outbreaks
1947	9 outbreaks
1948	6 outbreaks
1949	3 outbreaks

(3) The distribution of these outbreaks during the five-year period has been as follows:—

Uasin Gishu and Nandi Districts	17
Nairobi-Kiambu-Thika	13
Trans Nzoia	2
Nakuru Township	2
Kericho	
Nanyuki	1
Isiolo	1

(4) Of the 18 quarantines at present remaining in force, 11 are in the Uasin Gishu and Nandi Districts and four in the Nairobi District. One quarantine is in force in the Nanyuki District, one in Nakuru Township and one in the Trans Nzoia.

[Major Cavendish-Bentinck]

(5) The distribution of outbreaks supports the view of the Veterinary Department that effective tick control, as afforded by regular dipping of cattle, is the most effective preventative of ulcerative lymphangitis. Only one of the 37 outbreaks during the last five years has occurred in an area in which the provisions of the Cattle Cleansing Ordinance are in force.

(6) The lymphangitis toxoid vaccine prepared at the Kabele Veterinary Laboratories has been shown to possess valuable properties as a preventative in infected stables, but it has no curative value.

(7) Government has no evidence to suggest that the importation of Somali ponies into Kenya has any bearing on the incidence of ulcerative lymphangitis. Government Notice No. 117 of 1934, issued under the provisions of the Diseases of Animals Ordinance, requires that any persons moving horses from the Northern Frontier District, via Isiolo, must conduct such animals to the Isiolo Veterinary Station where they are examined by a Veterinary Officer and are detained under veterinary supervision while undergoing the test for glanders.

(8) Although Government is fully alive to the possibility of Somali ponies being brought down without passing through Isiolo no case of this happening has been brought to light during the last ten years.

(9) In these circumstances Government does not consider it necessary to prohibit the importation of Somali ponies into Kenya.

COMMITTEE OF SUPPLY ON  
DRAFT ESTIMATES OF  
EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

## Head 5, Public Works Department

SIR GODFREY RHODES: Mr. Chairman, I beg to move: That Head 5, Public Works Department, be adopted.

If I may give hon. members a background against which these estimates have been drawn, I think it will help them to understand the problems with which we have been faced and the solutions which we have proposed. It is just

a year, or just over a year since the Government of Kenya did me the honour of appointing me to my present position, and I was charged with the special duty of reorganizing the Public Works Department on the lines of the report of the Commission of Inquiry which had been held a short time before. In a sense my job is perhaps an easy one, because I have to spend the money that is allotted to me by this Council. I have no duty with regard to finding this money, which my colleague the Financial Secretary is charged with doing, nor have I much say on the priority that is to be given to the various works which I have to carry out. My job is to try and arrange for the efficient expenditure of the money placed at my disposal.

When I took over a year ago I found a department that was overwhelmed by the amount of work that had been placed on its hands. I found that every branch was almost submerged by the problems that they had to face, by the planning and arrangements that they had to carry out. In fact, there was no staff available to do any proper planning or estimating for the work that you asked them to carry out, nor was there adequate supervision with regard to the execution of that work in the field. If I have any criticism at all to make about my predecessors it is that I think they were all too willing to try to do something that was really beyond their capacity. Case after case has come to light since to show that it was quite impossible for the staff that this Council had provided to carry out that work adequately, and certainly the planning part of it was not possible to carry out at all in many cases. They were pressed to get on with the work, and this they did to the best of their ability. As I have said, I think in many cases they ought to have reported back that they could not undertake this work satisfactorily without the provision of additional staff and plant and other assistance.

We have therefore had a number of regrettable legacies to deal with during this past year which we have tried to clear up to the best of our ability, but unfortunately most of them involved additional expenditure and we have had to come back to the Chief Secretary for assistance in that direction in many cases, which I know has caused him a great deal of embarrassment, because his plans

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and his estimates had been prepared on the meagre information which had been given to him before, and that information had been found in many cases to have been quite incorrect. Also, mistakes have been made on the roads side, and therefore we have had to come for additional money to enable us to carry on and finish the job that we had undertaken.

Since I have taken over, with the support of my hon. friend the Chief Secretary I have tried to resist taking on any additional work that we could not undertake properly, plan for properly. Over and over again we have been pressed to take on urgent jobs that for the moment seem to require immediate attention, but when I have had to ask for instructions as to what other work I could put back, put lower on the approved priority list, it was found frequently that we had to give up trying to do these extra works. In some cases, of course, they had to get priority, and then other works had to be delayed.

My anxiety in drafting these estimates has been to try and create a minimum works organization which a Colony of this size should have. In quite recent months the situation has changed quite considerably from the point of view of the amount of money that is likely to be available, but I believe that the estimates that are now before you are really the minimum we ought to provide if we are to carry on a reasonable programme during the next few years.

I have found, as I say, these troubles about planning, and we are trying to avoid that in future. In fact, I might say that in a small way we have found ourselves in the same difficulties as our neighbouring territory of Tanganyika has found itself in in a big way in connexion with the groundnut scheme. You must, however, small your programme is, plan and prepare the ground beforehand, and I cannot stress that side of it too much. I will not give you examples of where things have gone wrong because most of you probably know them well enough already, but I could give you several examples of where work was started before we had the information and planning completed, and where we have got ourselves into trouble in consequence.

I found in the department the beginning of a branch organization and I decided to go on with that and develop it to the fullest possible extent. Our work divides itself quite naturally into certain types of work, and the branch organization as it existed was working as satisfactorily as possible, considering the staff that they had. As I have said we have developed that still further and the estimates themselves have been redrafted on a branch basis, so when we come to discuss them in detail I will propose to move the adoption of these estimates by branch heads, which I think will probably meet the convenience of hon. members opposite and will give them an opportunity of discussing any problems which concern a particular branch as they arise.

Our branch heads are all extremely efficient officers and it is a great pleasure to work with them. What we have to do now is to see that they have the proper staff, the proper plant and the proper equipment to enable them to do their work. Also we must try and avoid using our technical officers as clerks. That is a great waste of expensive technical people, and in drafting these estimates I have tried to avoid that, although I have noted that four posts have been left out which I imagine were considered unnecessary, but I shall try and persuade my hon. friend the Chief Secretary to restore them at some future time in order that we can get over this difficulty. It seems to be quite easy to delete items—attempts have been made—but whether it will be quite so easy to add items that I think should not have been left out, I do not know; but I will have to put my case to you for your attention.

One small item has been left out of some of these extra posts that I have asked for, and that is the asterisk, which is very important from the point of view of staff, but which the hon. Financial Secretary was not able to accept at the time that I discussed this with him and we have not had time really since then to go into the matter properly. But it is essential, when we try to attract staff to posts that we consider will be permanent and will be required, that we should be able to offer them some future prospects; otherwise we are only going to get people who are coming for a short time and then will disappear later on. Now, when I say that, I do not want

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you to feel that every person that we recruit or bring to this department must necessarily go on to the pensionable and permanent grade. That is not so. All our people come on probation to begin with. Many of them serve a full contract period before we consider them for these permanent posts, but I am anxious that they should have that future ahead of them, so that we can retain the good men we want to keep after we have had experience of their capabilities. Without that asterisk, I am afraid we will only tend to get the rolling stones—people who have got tired of their past jobs and are going to try a new one, whereas I want to attract really first-class people. We do not pay high salaries as compared with private firms, but the attraction of a permanent and pensionable post does sometimes get people we would otherwise lose.

Another thing we are trying to do is to adopt more modern methods in our method of carrying out work. That applies to everything—to buildings and particularly to road work, which I shall explain more fully when we come to that branch. These new methods are going to save labour troubles; they are going to reduce the mass of unskilled labour that is at present a great difficulty—they cannot always be found and then when they are found they do not always work, and in other cases they lead to administrative troubles which we would like to avoid. Therefore, we are trying to adopt more modern methods in all our work. One of the particular questions we have under study is the problem of quarrying stone which, as you know, is carried out in a very wasteful way at the present time, but it is difficult to organize anything different without proper machinery, and that again involves finance; and that again means that you must have a quarry with a big enough out-turn to justify that expenditure. Also, plant must be properly maintained and looked after, otherwise a machine that will not work is a bigger liability than 50 boys who will not work. You still have to go on paying your interest charges on the capital, and so on.

Another thing that must be in first-class order is the accommodation for taking care of your stores. If you do not provide proper buildings and proper

fencing and a proper enclosure for your stores you are going to lose stores right and left, not only from theft, pilferage, but also because they cannot be properly looked after unless adequate accommodation is provided. That, I am glad to say, is now being overcome, and you placed funds at our disposal this year which are now being spent on better buildings and better facilities in Nairobi. There are, however, similar problems outside, at other smaller depots. Mombasa is one particular one I have in mind, Kisumu also, and to a smaller extent Nakuru, and to an even smaller extent small depots like Eldoret and Kitale all require attention in this direction; and it is money well spent and money that should be spent in a permanent way and not in temporary structures.

We have, however, not asked yet for any permanent office accommodation. We are still living down in the slums of Nairobi in temporary buildings which provide us with office accommodation which is noisy, dusty and dirty, like all buildings of that type. Sooner or later when the time comes we ought to have a better headquarters office and in a more central part of the town, where we would be in closer touch with the central Government.

I have already mentioned that we have drafted these estimates in a new form to comply with our works organization, and that has meant taking away items from what was formerly called Administrative and General and putting them into their proper places under the branch heads, and therefore it will be a little difficult to compare these estimates in detail for that reason.

About the question of the money available which Government has decided on for reorganization. As you all know, during the first half of the year and even beyond that, we were being pressed to carry out an unlimited programme, because money seemed to be available as required; but since then the situation has changed and we have now been given a programme which I feel is a much more satisfactory one from both our points of view, and also the point of view of the country. It will even out the expenditure, I hope, on a uniform basis during the years to come and will not lead to peak expenditure and a very heavy demand on materials and skilled

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personnel and people of that kind. The organization which we are suggesting to you has therefore been designed to meet this new allocation of funds, and, according to our best judgment, I think what we have suggested to you is about right. As I said, there is a great deal of flexibility in these matters because we always take on new staff on contract to begin with, and if things alter in a year or two's time we can either go up or down a little as required.

But I think, sir, we must try and avoid at all costs the mistakes of the past. We must be able to plan and prepare our projects properly. We reckon on the building side, and on the roads side, too, that we are at least two to three years behind our programme in these planning matters, and we are hoping to catch up a little during this coming year in that direction. We want to be able to give you really reliable estimates when we give you estimates at all: that is, we must know what the problems are; we must know what the transport problems are; we must know what the soil problems are; we must know what the material problems are and what local materials are available. Unless we can do that properly by proper surveys we are bound to make mistakes in our estimates, and that is bound to give trouble to the planning authorities at a later date. Then, not only does adequate planning mean proper estimating and therefore that the planning authorities must be able to do their work properly, but it also enables our executive staff to carry out their work properly. They cannot do that without proper planning.

We have tried during the past year to give the public and members of this Council as much information as we have been able to at the time about what we are doing, and about what we are hoping to do, and articles have been published in the Press telling the public what our plans are and also drawing attention to some of the results that have been achieved. I regard that as a very important side of our duty to the public, because without that knowledge nobody knows what we are doing, and everybody therefore fears the worst. Well, I hope that in due course results themselves will tell. We do not want to have to talk too much about what we are doing—we

want people to "see" results in future years. That will do away with a lot of this propaganda work which we are having to undertake at the moment. We have been able to draw attention to a certain number of completed jobs which I think are quite creditable to the department, but in many cases expenditure has been too high and the cost has been greater than what was originally indicated at the beginning. We hope gradually to get better results, and during this coming year we hope you will notice better results in nearly every direction.

There is one criticism of my estimates which has been brought to my notice and which I would like to deal with now, because it will enable you to have a better picture of the position. It has been suggested that our personal emoluments costs compare very badly with the actual output of work. The figures under Personal Emoluments and Other Charges in the estimates are £497,640. That is a fairly large sum of money. On the works side our figures add up as follows: In the Public Works Recurrent less rents and tools and plant we have a figure of £294,800; and in the Public Works Extraordinary we have a figure of £273,424. That gives a total for works expenditure of £568,224, as compared with the £497,640—£500,000-odd—on the Personal Emoluments side. That is roughly fifty-fifty, and that does not look too well on paper. It is not too good if that were the true picture, but I suggest it is not, for these reasons.

We have in the estimates for the first time under the head "Personal Emoluments" quite a large section of the staff that has now become permanent and pensionable. I refer to people like lorry drivers, *Judis*, and people of that kind, all of whom have worked in the department for 20 years or more, mostly for a long period. Last year, before I took over, it was decided that these people should be brought on to the establishment. That has inflated our establishment side by £64,000, and deflated the expenditure side by a similar amount, so that we ought to deduct for comparison purposes from personal emoluments £64,000 on that account and add it to the other side.

Another section which is not a works staff at all is what we call the hydrographic survey, which costs £45,000

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is an investigational scheme which should be left out of both sides. A new section which we have put in is Sewage, also investigational, and from this point of view should be left out. It costs just under £5,000. Furthermore, the maintenance of water supplies section and contribution to renewals, much of this is offset by revenue, and the staff side of that £91,000, should therefore come out of the personal emoluments side.

By making these adjustments we bring the overhead to about £300,000 instead of £500,000, and the works side to £688,000, which gives you, I think, a much fairer and better proportion. I think that comparison will be of value to members in considering these estimates, and I think it is quite a satisfactory ratio at the present time.

One other thing that also appears in our estimates is the effect of the Development and Reconstruction Authority on our work. As hon. members know, there is a big programme of work under the Development and Reconstruction Authority, and for that we have engaged extra staff on contract. We have included a percentage of 17! on these works to cover Development and Reconstruction Authority overheads. It is quite obvious that if we are going to work as one department that there must be a certain amount of overlapping. There is no doubt that some of our permanent and pensionable staff work on Development and Reconstruction Authority work and some of the Development and Reconstruction Authority staff work on the Revenue work. You cannot split it completely, but the formula adopted for overheads for some years is, I think, a reasonable one and is working satisfactorily.

I think that one hon. member opposite suggested that development work must go on for the rest of the time. I quite agree, and we must have an organization that can be sufficiently flexible to deal with our programmes, and we can do that by having on the revenue side of the programme the nucleus of a works staff which can be expanded and enlarged by temporary and contract staff as required. When the works programme decreases then we reduce the contract staff accordingly. If it increases, we can expand accordingly. I think the methods

adopted for accounting for that are as reasonable and as satisfactory as can be desired.

There were one or two outstanding matters touched upon in the report of the Commission of Inquiry which I have not yet been able to tackle. One is the question of whether this department should become revenue-earning as has been suggested in the report. That is a complicated problem, and I have not been able to get down to it yet. In the report they talk about a self-accounting department. We are one already, we do all our own accounting, but we are not revenue-earning, and whether it will be wise to devise a scheme for making us a revenue earner on the lines of the Railway I do not know, I have an open mind, but I rather think it is going to be a little more difficult than was originally indicated. However, it will be considered during the coming year.

Another outstanding problem is the one that is ever with us, and that is how to get staff. We are gradually getting people from various quarters, but there are still some very dangerous, weak spots. I refer particularly to the hydraulic section, which is, I think, one of the most important sections, if not the most important branch in this department. We cannot just get the men at present to fill our vacancies and the branch is getting weaker and weaker every month. The situation is becoming quite serious.

This might be an appropriate place to mention that we are losing the very valuable services of Mr. Tetley, who is at present head of the branch at the end of the year. I regard him as one of our most valuable people. (Hear, hear.) He probably knows more about our water problems in this country than any one else whom we have, and it will take any new man coming to his post some time to absorb the background that Mr. Tetley has now. It is a great tragedy that we are losing him. I have done my best to persuade him to stay, but he is a very tired man who has given his heart and soul to his work, and he feels he must have a change and a rest.

Another appointment which we have just filled is the post of Deputy Director of Public Works. Mr. Lawson has arrived from the West Coast on transfer and is busy taking over his duties; he is going around the country to meet people and

[Sir Godfrey Rhodes] to find out what their problems are. We are always looking for artisans, and also for suitable clerical staff, and in that connexion I endorse very much the remarks of the hon. member Mr. Mathu regarding the training of African staff. That is a matter which I hope will receive a good deal of attention during the coming year or two. We have already given a certain amount of thought to it, but not enough in my view. One particular place where we have been successful is Kisumu, but we have been held up by some little difficulty which I hope will be overcome, regarding a stores building, which will be required by staff under training. This training problem is a side we must give attention to during the coming years.

In connexion with that, I would like to explain that we do use the Kabete Industrial Training School as much as possible, and we have already a number of their squads out on contract doing work in various parts of the country. Mr. Talbot is only too anxious to take on our work when we can give it to them. We have all his people fully occupied, and are not only providing him with training facilities but we get the work done for us in a very satisfactory manner and at a low cost.

In connexion with that there is the problem which came up before the war and is being considered. That is the question of trade testing. People get trained at these depots and other places, and they seem to think when they come out that they should at once go to the highest scale of pay for the most highly skilled artisans. We have got to disabuse them of that view, because in most cases they are not capable of carrying out the work with skill. We must have some system throughout the country of trade-testing people to classify them properly, in their own interests and in those of the employers. We hope with the co-operation of the Railway Administration to help in that direction.

One other point before I come to my conclusion, that I would like to draw attention to. Coming as I do from another Service, which became conspicuously efficient and successful only when it broke away from Government control, I am now very much under Government control and I am on the look-

out for methods which may lead to inefficiency. A matter which gives us the most trouble when we come under the Government system of accounting is the question of renewals. I think hon. members will agree that when you have wasting assets, assets that may wear out in the course of time, you must provide something to replace them each year while those assets are in use. That seems ordinary common sense. But it is the most difficult thing in the world under the Government system to-day, because the Government likes to have your money, it does not object to setting aside renewal money, but it will never give it to you again when you want it. (Laughter.) If you do not get it when you want it, it is wasted, so that somehow or other we must get over that difficulty.

We have managed to create a funding scheme for all our mechanical plant which we have collected during the past year and which we will purchase in bigger quantities during next year, so that I am happier so far as mechanical plant is concerned. It has worked well under our control, and we can get money to replace our plant as an when required. We also have a renewals fund, as you know, for our different water supplies. We contribute the money satisfactorily, but the system of drawing it out is a little clumsy and awkward. The hon. Financial Secretary insists that we must put them in the estimates to show that we are drawing money against renewals.

I suggest that, having put that money into a renewal fund, the controlling authority, should be the Director of Public Works and his chief accountant, and nobody else. The money is there for that purpose and must be drawn out as and when required. Something may require attention to-morrow, and we do not want to have to go through the normal procedure to get it out a year after us so often happens. There is one small example which I might mention. That is in connexion with a very small project outside Nairobi called the Nairobi Brick and Tile Works. There are a few machines, most of them are already in need of renewal, and we have for the last six or eight months been discussing without success how to get a little renewal money to replace the machines. I am quite sure we will find a way out

[Sir Godfrey Rhodes] of this difficulty. The inquiry drew attention to these facts, but it should not take a commission of inquiry to get things like that running properly.

Another matter over which we seem to have a great deal of trouble is the question of engaging staff. We have Government officials here who are helping us in every way they can, but the procedure that we follow, going through the Colonial Office and through the Crown Agents, does seem to lead to delay. We are dealing with that one too, and are getting a great deal of co-operation from home now, and I hope that these little troubles will disappear in time. When we need staff we want to be able to get the best staff available, wherever it may be in the world. We do not necessarily only want to have people from the Civil Service who may or may not be suitable for the work. I fully agree we must take care of our good and efficient staff in the Colonial Service, and they must receive full consideration, but in the case of so many of our vacancies on the roads side there is no equivalent work in the Colonial Service to what we are attempting to do here, and we may have to go outside, and we have had to do so in certain cases.

The other big question to my mind that makes Government departments inefficient is this year-to-year uncertainty regarding funds. Now to-day this Council may wreck completely the organization which I have put up to you for consideration. (Laughter.) I sincerely hope you will not do so, but it is within your power to wreck completely this organization. Now, that has an unsettling effect, because when we were planning for 1950, we wanted to be able to start work on the 1st January, 1950, and that meant we wanted to get our staff ready. Well, we have been able to do a good deal in that direction but much has to be left until the outcome of this debate is known. I do not see any way of changing it, but, as you will understand, it is from my point of view a real difficulty in trying to get away to a good start in 1950. I may say that my hon. friends the Chief Secretary and the Financial Secretary could not have done more to meet this difficulty than they have done, and I am very grateful to them.

One final note. I should like to conclude by saying that the work which you have given me to do has been one of the most absorbing interest, although it has taken a great deal more of my time than I had originally visualized I should have to give, as an old man. I thought I was going to have a little bit of a rest, but it has been a great pleasure to work with the team that we have now in the Public Works Department. (Applause.) It is not only a pleasure for me, but I think they are a team of which you can well be proud, and they will produce the results for you if you give them the opportunity. They require your support and backing throughout the whole of the year, and that brings up the question of how long you will need a rather expensive Special Commissioner of Works.

It seems to me that, so far as my views are worth anything, you will not require such an officer longer than the coming year. During this year we must try and find a Director of Public Works who will be able to take over the department and take full charge, and when that time comes, I hope I shall be allowed to retire into oblivion and perhaps become an armchair critic, when I can tell you how to do things without running the risk of having to try and do them myself. (Laughter.)

With that background, may I suggest to you that we consider items 1 to 41 under the Administrative and General section of Head 5, Public Works Department. All I have to say, in supplementation of what I have already said is that we have taken out of this Head quite a number of people who belong properly to the Branches. Therefore you will see that there is a reduction. There is left out of this Head 4 chief clerks whom I want for my divisional engineers, in order to avoid their having to do so much office work, as they do now. I do not know what the procedure is going to be to try and get that through, but I will press my hon. friend the Chief Secretary to let me have these four divisional clerks (Asian) (Scale B) some time during the coming year. I therefore comment items 1 to 41 to the Committee for approval.

MR. VASEY: On a point of order. I take it that it is at this point that hon. members on this side will discuss policy.

THE CHAIRMAN: I am entirely in the hands of the Committee. At first I thought that the hon. Special Commissioner was moving Head 5 as a whole. Then later on he decided to ask for approval of items 1 to 41. Perhaps the hon. Special Commissioner will explain to me exactly what he wants.

SIR GODFREY RHODES: Mr. Chairman, I should be very happy to move Head 5 as a whole, if that is the wish of the Committee. I rather gathered from our discussions yesterday that the Committee would prefer to deal with the estimates on which they wished to discuss problems under sections or branches. In my case, branches seems to be the best answer.

THE CHAIRMAN: I have a circular which has been issued to everybody, in which it was proposed that each head should be open to debate generally under paragraph 2 of the circular. I take it that you will now move that Head 5 be approved.

SIR GODFREY RHODES: I am happy to move that Head 5 be approved.

MR. HAVELOCK: Mr. Chairman, the thing that worries me about this head is, in spite of what the hon. Special Commissioner has explained to us, the fact that the staff, or personal emoluments, are going to cost us £1, according to the hon. Special Commissioner's figures, £300,000, and the works £688,000. That means, roughly, that for each £1 of personal emoluments £2 would be spent on works. It still seems an extraordinarily high percentage or proportion, but I do realize that a great number of these people who are shown in the recurrent expenditure of the Public Works Department are actually functioning on capital works, and I should be grateful if the Special Commissioner could give us some idea of how much of the personal emoluments shown under this head are actually employed on capital works. If half of the personal emoluments say £150,000 worth of people, are being employed on capital works, it really means that from our recurrent budget we are contributing another £150,000 per annum to capital over and above what is shown as our contribution to the Development and Reconstruction Authority of £300,000. There is no doubt at all, especially in my constituency, that the public are worried at the mounting cost

of recurrent expenditure on the Public Works Department vote, and I believe there is an explanation for it, and I should be grateful for some clarification.

There has been brought to my notice by my constituents the fact that they consider that even now, even at the present moment, the staff of the Public Works Department, especially the more labouring staff, are not yet properly supervised and made to do a full-time job. We on this side have been criticized for bringing up general criticisms of different votes, and we have been asked to be specific. It has gone to the extent of a suggestion that we should sit in certain offices and find out exactly what is happening. I submit that it is a quite impracticable suggestion and that the only criticism we can make is general criticism, based on feelings. I should also like to point out that we here do not represent our own individual feelings alone; we represent the feelings of thousands of people in the country, and I believe that such feelings, even if they are only feelings, should be taken great note of by hon. members on the other side.

I believe that the hon. Special Commissioner has done an extremely good job of work and I would congratulate him on it. I cannot think of any other individual who could have done so well in so short a time. (Hear, hear.) We were very fortunate in having him, but that cannot prevent us from trying to keep him and his department even more on his toes possibly than he is, and I would commend to him another circular or drive as regards the overseers of his department to see that the labour does really do the work it should.

The hon. Special Commissioner has touched on this matter of the Sewage Department. I have actually spoken to him about it and he has explained to me the necessity for this department, but there is one fear I still have in my mind about the creation of a department of this sort, or should we say division (I am sorry), and it is that there is a danger that when you have men on the permanent staff in specialized jobs of this sort, work will be made for them because they have got to be there. They have to sit there, and so work might be made for them when that work is not absolutely necessary at that particular time,

[Mr. Havelock]

and because of that I would prefer, if it is practicable, and I believe it may not be in this particular instance, that jobs of this sort should be put out to private contract and that the permanent staff should be reduced to the absolute minimum.

There is, of course, the matter of pensions to be faced in connexion with semi-departments of this kind. Although I believe there are no asterisks against the names of personnel to be employed in this division, judging from the remarks of the hon. Special Commissioner we may have to accept asterisks in the very near future.

On the matter of planning, I know that the hon. Special Commissioner has this matter very much at heart and he has said that he considers there has been wastage in the past, probably due to lack of planning. I would like to emphasize that point and would bring to his notice some thing that has got nothing to do with him, it happened before he took over this job, and that is a matter which is rather near to my heart—Limuru A Route. I believe that Limuru A Route was a misconception in the beginning, in that if the Dagoretti Road had been constructed along a different alignment there would have been no need for a first-class road serving a suburban population such as A Route. I know very well the hon. Special Commissioner will probably twit me for criticizing this particular road now that it has got to such a stage that it cannot be stopped, because I have been pressing for many years to have this road completed. I have been pressing ever since it was accepted as part of the construction policy, and one might say up to the speech of the hon. Financial Secretary moving these estimates I was not very worried about it, but there is no doubt that what we all thought was our great wealth is not as great as we thought, and we have got to pull in our horns in every activity of this sort. I hope that the hon. Special Commissioner will keep that very much in mind and see that his planning staff does not become extravagant-minded.

The points brought up by the hon. Special Commissioner as regards decentralization I think could be best answered by hon. members on the other

side. All I can say is that in principle I agree with the ideas of the hon. Special Commissioner, but no doubt his colleagues on the other side will have objections to raise to his suggestion as regards the matter of finance, etc.

There is another suggestion I wish to make. Is the Public Works Department making full use of convict labour? If not, is it practical that they should make more use of it? I should be grateful if the hon. Special Commissioner would reply to that question.

I suggest that the situation of the Public Works Department head office at the moment is of great advantage to the department—it is out of the way of the public. (Laughter.) The other questions on which I wish to speak are matters of detail.

MR. BLUNDELL: Mr. Chairman, I think that this is probably the appropriate place in the debate for me to raise three points which I should like the hon. Special Commissioner to answer.

We have heard on this side of Council certain criticisms of the Materials Branch. I think the Materials Branch is the set-up designed to experiment with soil stabilization. The criticism I have heard is that it has not worked too well and has caused a considerable amount of confusion in contracts. I wonder if the hon. member would tell Council a little about the work of that branch?

The next thing is the Roads Branch generally. Hon. members may remember that the road engineer put before the Standing Finance Committee a voluminous report on how the whole set-up to deal with roads might be reorganized. I should like to know whether the proposals in these estimates are solely for what you might call the maintenance of the existing roads system or those designed to handle the development of the road system on the lines of the road engineer's report?

My third question is this. If you take the overhead set-up in the Building Branch and the amount of buildings being built, you will find that it is something of the order, including the heads under the Development and Reconstruction Authority, of £236,000 for overheads in all branches against £3-million on building works. If that is so, it is a low figure for overheads, because if

[Mr. Blundell] an architect designed £3-million worth of buildings his fees alone would be something in the order of 6 per cent of that sum. Nevertheless, our building is expensive and it has worried me in another committee, and I know it is worrying the hon. Chief Secretary and hon. Financial Secretary who have to find the money for these buildings.

Would the hon. Special Commissioner when replying give us a little fuller detail as to why the building costs are expensive or, if they are not, would he debunk the idea that they are? When the hon. Chief Secretary was replying to the question of the hon. Member for Nairobi South on the cost of *pisé-de-terre* housing, I asked him whether he could give us the cost per square foot of the normal type of building in stone, the normal building standard of the country, whether he could give us that cost so that we could have some comparison between our organization doing the job and organizations outside.

Mr. NAIRO: Mr. Chairman, I should like first of all to associate myself with the remarks of the hon. Member for Kiambu regarding the hon. Special Commissioner for Works. We are indeed fortunate in having his services but I think the true effect of the programme last year and this will be felt perhaps in another year or two's time when we have got properly into our stride. There is one point on which I should like to ask the hon. Commissioner for information, it is about the architectural department. In the past quite a lot of work, particularly on educational buildings, was held up on account of the bottleneck in this department and for months on end we could not get specifications or anything from them. I wonder if in the new set-up the position is any better?

Mr. MATHU: Mr. Chairman, I was very pleased to hear the hon. Special Commissioner say he was doing all he could to give opportunities to African artisans in his department, but I think he emphasized what I want. The fact that the Native Industrial Training Depot and his department can cooperate in the training stage, and then his department will encourage the trained African artisans of all types so that they can be on his permanent establishment. That is the point I wanted to empha-

size because I feel that if the African is to contribute towards increasing the national income a Government department like the Public Works Department should give the lead, so that the commercial world, and the various firms, could employ these Africans, as the Public Works Department will have proved to them that these fellows are capable of doing a very good day's work. That is what I wanted to emphasize very much indeed, because I think we have great opportunities in this department of getting first-class work for less money. I am not suggesting that Africans should be employed in order to sacrifice efficiency. I definitely wish the standard to be as high as any, but it is a department such as this which can encourage the African to do this.

The hon. Special Commissioner mentioned the question of trade testing. In principle I am not opposed to it, because it is in order to achieve higher standing in every branch that we must make sure that fellows who undertake this work should know exactly what they are doing. On the other hand, I have discussed this with organized labour among the Africans, and there is a fear that trade tests may be used to peg wages, and they are suspicious about it. Actually we discussed it in the Board of Commerce and Industry, and I expressed that view, but in principle I agree that fellows should be up to scratch if they are given responsible work. I should like to emphasize and appeal to the hon. Special Commissioner to go whole-heartedly into this matter, and encourage Africans to have permanent posts in his department as artisans.

I should like to make a few remarks on roads generally, with particular reference to certain areas in the country. The Roads Branch has, I think, shown that they can do very good work by seeing some of the roads they have completed. If they can do that they can do more. I think, in areas where there are bad roads, I have in mind particularly the road between Thika and Nyeri. It comes, I think, under the wing of the hon. member, and it is in such a condition that I do not think we should wait any longer than we have done to put it right. I also refer to the road between Kitui and Kibwezi. I have a complaint from my constituents in the Kitui area regard-

[Mr. Mathu] ing bridges. The rivers are dry most of the year, but when it rains in those areas it is not uncommon for lorries to be swept away by the torrents when crossing the rivers, and the fellow in charge has to swim alongside. The suggestion is made that the hon. Commissioner might see his way to constructing high-level bridges to avoid such calamities.

The final point is in connexion with the Hydraulic Branch. I understand there is staff difficulty, and I personally would like to suggest that we should do all we can, even by sacrificing some of the other branches, to staff that branch fully.

When we come to deal with details, I shall ask some questions regarding boreholes in various parts, which I think come under the wing of the hon. member, and water supplies in places like Nanyuki where the Africans have tremendous difficulty in getting good water because the present supply is insufficient. Sufficient should be provided for that township.

I support the motion.

Mr. VASEY: Mr. Chairman, I would like to deal with one particular aspect of the speech of the hon. Special Commissioner with regard to the repair and renewals fund. Where capital expenditure has been undertaken from revenue, I would be perfectly prepared to support the suggestion that there should be a repairs and renewals fund, because the money of the country has been spent in the acquisition of that particular asset, and it would be a wise provision to make a repairs and renewals fund available so that new capital expenditure in the replacement of that asset need not be drawn on from revenue. But I should be a little worried if the capital expenditure which had been carried out through a loan on which a loan service charge was already being imposed had also to bear a repair and renewals fund, because that would in fact mean, and I am sure the hon. Financial Secretary will agree with me, it would mean that the current year's revenue would be bearing a double burden, and the people of this generation would be not only building the assets out of a loan for which they were bearing the burden but would also be providing for the rebuilding of the same asset. I suggest that that

could form a hidden and very undesirable burden on the revenue of the Colony.

I would like to hear from Government their opinion on that particular point, if it is possible for them to express it at such short notice. It bears in my mind a relation to this vote in so far as the water supply branch is concerned. If one were to look at the Mombasa water supply expenditure of £29,740 for 1950 as against the estimated revenue from that supply branch in the same year of £106,000, it would appear on the surface that there was a very heavy operation of what one might call profiteering, but it does not show one thing, that there is a very heavy loan service charge which it probably has to bear.

Because of that it is important, I think, that this point should be cleared up. I should like to ask whether under the group of operation expenses for water supplies, against which appears so often the phrase "covered by corresponding revenue", whether in the estimation of those operation expenses any provision has been made for either a renewal or replacement of the asset, or for the corresponding loan service charges. That is the only point with which I have to deal in the hon. Special Commissioner's speech, but I should like to ask him a question which I know has caused considerable argument amongst quite a number of people, and I am sure he will be able to set that argument at rest. Some people seem to be of the opinion that a murram road will cost far less in maintenance than a bitumen road and I should like the hon. Commissioner, if he would, to dispel a lot of the doubt that takes place during arguments and discussions on that point.

Mr. JEREMIAH: Mr. Chairman, while associating myself fully with the remarks made by the hon. Mr. Mathu, especially regarding the employment of more Africans in the department, regarding the policy adopted by that department, as to the engagement of staff, my opinion is that most of the staff in that department are employed for a long time before they are taken on the permanent staff. I am glad to say that has been remedied partially, but very many of the staff are on a temporary basis. I do not know why that should be the case because it is rather surprising to employ a person for three or five years con-



[Mr. Jeremiah] continuously without admitting him to the permanent staff. I wonder whether the Special Commissioner will tell us whether that system of employing staff for such a long time on a temporary basis is going to be continued. Also whether he can tell us how many of the staff in his department who have served more than three years are still on a temporary basis.

In regard to roads it is my belief that most of the money which is used for road work in African areas is provided by Government, but I do not know whether the money which is provided by Government for use on roads by the African local native councils is being properly used. I wonder whether the hon. Special Commissioner can do a little favour by instructing some of this expert staff to have a look at the workmen in the African districts who do the work, and whether they can help by showing the people the best way of making roads. I believe that the money provided for roads in African areas is not fully utilized by having no qualified staff to see the work is done.

LADY SHAW: Mr. Chairman, I only want to speak very generally on the matter of policy in regard to roads.

Like the hon. member, Mr. Mathu, I feel like talking about roads in general and some in particular, but I will stick to the particular. I should like to ask the hon. Special Commissioner whether in his view it is not impossible to limit or the rather superior maintenance of our roads to the ten miles a year, or whatever the figure may be, which is envisaged in any sort of general programme when expensive road construction is taken into account. There are so many, many miles of murrum roads in this country which, unless stabilized, under present conditions of heavy traffic simply break to pieces within a week or two, and I wonder very much whether the hon. Special Commissioner could tell us whether there are any plans for improvement of what are in fact murrum roads. Some of them are, and I believe would be called, high-standard murrum roads, but until stabilized they are the most agonizing form of travel it is possible to imagine.

Also they are extremely expensive to maintain. Quite a number of miles of road which I know very well, on a very,

very indifferent foundation, were stabilized by being given a bitumen carpet, and certainly the amount of maintenance that goes on on that road that I have seen is minute compared with the maintenance which continues on murrum roads carrying the same amount of traffic. I should very much like to ask the hon. Special Commissioner whether there is any plan in view to stabilize the surface of some of these murrum roads. I do know that the bitumen carpet on these murrum roads is a very small part of the cost of laying these roads, and not, as so many people believe, almost the whole cost plus. I should like some information on that.

MR. HOPKINS: Mr. Chairman, there is only one matter which I want to refer to and which deals generally with the Roads Branch. On several occasions during the past year I have been to visit the Public Works Department to talk about priorities of roads and the improvement of various roads in my area, and on each occasion I have been faced with the reply that it is quite impossible really for me to put up a case or in fact for them to judge as to the importance of one road as compared with another, until such time as they have statistics of traffic density. It does seem to me a little surprising that at this stage of the Colony's development, and after all the arguments we have heard over the last few years to the effect that the state of our roads has such an important bearing on the development of the Colony, that we should still be without reliable statistics and without, so far as I can see, any organization to get these statistics made available, not only with reference to traffic density but with reference to the type of traffic that uses each of our main roads. I hope the hon. Special Commissioner will be able to give me some assurance, if the organization to get these statistics has not yet been started, that it will be started in the very near future.

MR. ERSKINE: Mr. Chairman, I dislike very much indeed, the system of accounts that has been presented to us to-day. We have heard that the Public Works Department is a self-accounting department now. We have also heard some criticism of the proportion of emoluments to materials in the estimates as presented to us to-day. In all systems of accounts there exists usually some

[Mr. Erskine] provision for a reasonable element of eyewash, but we generally take care to see that the eyewash is kept down to a very small proportion of the whole. Private firms, for instance, are not allowed to put in too big an element of goodwill. We have heard an analogy and comparison drawn between the Public Works Department and the Railway, and I should like to ask whether it is not a fact that the Railway at this time are also doing a large reconstruction and development programme. Is it not a fact that the present General Manager takes upon his own shoulders and discharges the dual function of maintaining the East African Railways and Harbours and the development and reconstruction work?

I offer no apology for making this criticism of what I am now beginning to regard as an unholy alliance between the Public Works Department and the Development and Reconstruction Authority. I offer no apology, because it must be evident to the hon. Special Commissioner himself that, if he were still in the Railway, he would be carrying out that dual function and doing it as well as he is doing his present job.

Referring again to the remarks of my hon. friend the Member for Kiambu, when he criticized the proportions of emoluments to materials, how easy it would be to apply the eyewash which is here ready to be applied. One has only to turn to the last volume of this story, Volume IV, page 14, to see exactly where the eyewash may be applied. X minus X equals what, sir? It equals nought. Here you have it: £494,000 minus £494,000 equals nought. (Laughter.) What could be easier, if there is sufficient criticism from this side, than to move some of these emoluments and put them in Volume V, which is X minus X equals nought. So does Y minus Y equal the same nought. (Laughter.) So I do feel it is very important that I should draw attention to this great evil of the Development and Reconstruction Authority. I feel quite confident in my own mind that sooner or later that eyewash, from a very small percentage, will grow into something which will make it absolutely impossible for us to regard in any seriousness at all the estimates placed before us from year to year.

Council adjourned at 11 a.m. and resumed at 11.25 a.m.

MR. OHANGA: Mr. Chairman, before the hon. Special Commissioner replies I should like to say a few words following on what my hon. colleague Mr. Mathu has said. At first I should like to associate myself very much with my hon. friend the Member for Kiambu in what he said with regard to the feeling of the people of this country about the new appointment of the Special Commissioner. I think that we all feel very fortunate indeed to have secured the services of so important and experienced a worker, and we have great hopes that during the time that he holds this office we shall be able to see some very real improvement, particularly in the road system of the country.

Following on what the hon. Member for Kiambu said about planning, I should like to repeat and emphasize the point about the provincial aspect of the matter. I think planning is important, but I do not think it is any less important in the African rural areas, for the simple reason that there you have an area which is fully populated and which is now developing in one way or another, with permanent buildings, schools and trading centres are being sited all over the place, and if roads and communication systems are not planned well ahead, I can see a real mess in the very near future. Trading centres and schools in particular are best sited when you already know where your main roads are going to go, but as I see them in my province the roads seem to follow no plan at all, and whether they will remain where they are or not nobody knows. I feel that if anybody is going to take a keen interest in the improvement of roads, some real planning and survey will have to be made, in order that they may take their correct alignment to allow for all the other developments which are dependent upon them.

In saying that, I should like to cite one small example in connexion with the items which are already tabulated under this head. My hon. colleague Mr. Jeremiah has already said that the technical experts who are made available for road works are not usually seen in the rural areas. I notice that some 40 road foremen are to be employed next year, and I should like the hon. Special

(Mr. Ohanga)

Commissioner to give us an indication of what proportion of these 40 foremen are likely to be employed in the African areas, because I feel that however much is being done now without their guidance it is sheer waste. Roads which are not properly constructed are a waste of the Colony's revenue because while you spend £1,000 this year, you will spend another £2,000 next year, and the following year more, but if they are properly constructed on a permanent basis, it would be an asset which could be improved and maintained from time to time without being a complete waste of money because there has been no proper construction and alignment of the road.

It may not be within this vote to talk about this, but as a previous speaker has already mentioned this particular aspect of communications, may I also do so? It seems to me that in the Nyanza Province, if we are going to help that very important province to develop properly, we shall have to do a little more work with regard to the extension of communications, and this time I should like to refer especially to the railway system. A little more than ten year ago the railway was extended from Kisumu to Butere. I think it was rather short of what people—really needed between Kisumu and Butere, something like 40 miles or so, and it seems to me that if that system is to be properly utilized, it ought to be extended right down to the main line between Miyanga and Eldoret. That does not come here, but I had no way of saying it. (Laughter) (Applause.)

The hon. Member for Kiambu quite rightly stressed the necessity of planning in order to avoid waste of money. All of us feel it was rather unfortunate that so much public money should be spent between Nairobi and Limuru only. (Hear, hear.) As soon as the main road between Limuru and Nairobi was completed I did not see any reason why the plant and everything could not have been moved elsewhere to continue work on other equally important roads. It is a very clear indication of the some of the difficulties the community has to suffer because of lack of foresight on the part of those who have planned.

Between Kisumu and Busia, the last town on the border, you have a road

which is heavily loaded with traffic. Very little public money is spent on that. If the Authority were to make a plan to construct the roads immediately, I should like to suggest that that particular road should be given first priority. Not only is it the main trunk line for East Africa, shall I say, but it also serves a very important part, the most densely populated area of the province. People have put a lot of their capital into these roads, which are costing them hundreds of pounds to maintain, and I say that whenever the construction of roads in that province is given any thought at all, it should be given first priority.

With regard to Public Works Department labour, all along the main road between Nairobi and Kisumu one finds little huts serving as labour camps. I think labour has been referred to in another way, but this time I refer to their living conditions, particularly housing. These little huts are uneconomic, to say nothing about their sanitation, because they are put up only to be taken down and put up again somewhere else, and it costs the public money, because of course the people who pull them down and put them up are living at public expense. Would it not be possible where the road is a permanent one to put up buildings that will last for ever, so that anybody who happens to work on the roads can use them. When are we going to do away with these uneconomic and insanitary huts that serve no purpose at all? I should like that question to be given a little more consideration.

In relation to local government, I notice that money is being given to local government authorities to the order of £1,500. I do not know for what purpose that grant is made, but it seems to me that the African district councils ought to be given a very big consideration when money is being made available for the maintenance and construction of roads in the province. Very little has been done and I very much hope something will be done.

MR. COOKE: I listened to the hon. member, the mover, in his generous tribute to his staff, yet I feel a little bit uneasy when I go round the country at the sort of defeatism which still prevails, to my mind, among the staff of the Public Works Department. The hon. gentleman came to this Council, if I may

(Mr. Cooke)

say so, after a magnificent record in the Railway, and the Railway is noted for its *esprit de corps*, its good workmanship and, if I may say, its sense of immediacy—an American word. That seems to be lacking in the Public Works Department at the present moment. Are these unreasonable or unconscionable delays really necessary—at any rate, as they appear to the public? May I mention the delay on Limuru A Route, which has now been a very long time under construction? May I mention the delay in the South Coast Road, and may I mention again the delay, which to a certain extent has been recently repaired, on the North Coast ferries?

All those delays are perturbing to the public, and then there are very small inefficiencies which the public in their daily travels observe. May I read just one extract from a letter which appeared in yesterday's paper. The writer had been drawing attention to his youth in England, when he noticed the making of roads and the care which was given to them even in those days, and this is what he observed somewhere in the Nyeri district. He says: "How crude in comparison is a bit of road maintenance now being done on one of the main roads out of Nyeri: here, in the past months, material has been quarried and been lorried and stacked on the road verges; it is not clean material; it is biggest-stone, small-stone, chunks and dirt. This mixture is being shovelled, pell-mell, on top of the old, corrugated surface. A boy bats the larger chunks with the flat of a pickaxe, whilst the P.W.D. study the scientific features of road making."

Then he goes on to say this is a real waste of money. These things are still going on. I know the hon. gentleman has only been here a very short time and it is difficult for him to repay these omissions in such a short time, but nevertheless they are matters which strike the public.

I should like to join the hon. member in his plea—I think he made a plea—that he should not be kept back and confined by any kind of bureaucracy or red tape. The hon. gentleman is a man with a very distinguished career and surely to goodness we ought to be able to let him have his own way very largely

in the carrying out of the very important project, which he has in front of him, although I am inclined, as everybody knows, to cut down expenditure where it can be cut down. I do also support the hon. gentleman in his plea for four additional Asian clerks, because my experience has been that the Public Works Department Divisional Engineers are so overloaded with detail that they very often cannot get away from their office.

Sir, I support the motion.

MR. RANKINE: Mr. Chairman, on a point of order, there was some discussion during the interval, and I understand some hon. members opposite have doubts regarding the scope of this particular motion and as to whether they will be at liberty later on to raise points of detail, or whether that opportunity might be lost. It was our intention to move this particular department sub-head by sub-head, but the motion at present before the Committee is that the whole head should be approved.

With your leave I would like to move an amendment to that, to the effect that sub-head 1, that is Administrative and General, which would include items 1 to 41, should now be considered instead of the whole head.

MR. COOKE: I beg to propose that item 11 be expunged. Item 11, sir, is three labour inspectors. These officers were first appointed two years ago, when the then hon. Member for Ukamba, Major Joyce, and myself, made strong protests against such appointments. A protest was also made last year by my hon. friend the Member for Kiambu. Our point is that this is a particular instance of how these personal emoluments grow. We feel with the very efficient Labour Department in this country that it is their duty to inspect the Public Works Department camps. We also feel that it is a derogation from the duty of a Public Works Department officer such as a divisional engineer or road foreman, when the work is obviously the work he should do, to take an interest in his own men, is taken from him and put in the hands of labour inspectors. If a man is not keen enough to look after the interests of his own men, as all Army officers are taught to do, I think he is *ipso facto* unsuitable for his job. I know there was a scandal up in Thomson's Falls about two years ago, which

[Mr. Cooke] probably led to the appointment of these inspectors, but I felt at the time that it is the duty of the divisional engineer and his European subordinate, and of the road forgerman to attend to this work; therefore I move the expungement of those three posts.

MR. MATHU: Mr. Chairman, I recollect the debate on this item on previous occasions, as referred to by my hon. friend the Member for the Coast. I was not quite sure then whether the suggestion proposed at that time by the hon. Member for the Coast and the hon. Member for Ukamba was a good one, but thinking it over this time I am inclined to support the Member for the Coast, because I think it is true that it is by duplication of appointment that excessive expenditure is brought about in these estimates. The Labour Department, I think, should be the department responsible for the inspection of labour of commercial firms and other firms, and even of Government departments, and I do not think it is economic to duplicate the inspectorate staff in matters relating to labour, and I therefore support the hon. Member for the Coast that this item 11 be deleted and that the functions of these officers should be undertaken by the proper department, which is the Department of Labour.

SIR GODFREY RHODES: Mr. Chairman, I am a little at a loss now to know what to do with all the questions that have been put to me in the previous debate.

THE CHAIRMAN: You will have ample opportunity, as Council is in Committee you may speak as often as you wish. We are sitting in Committee of the whole Council, in Committee of Supply, and all you need do at the moment is to deal with the motion which is before the Committee, which is to omit item 11. You will have plenty opportunity later.

SIR GODFREY RHODES: I would like to get this item 11 out of the way. It has been suggested that these three labour inspectors should be eliminated because some other department can do their work. I would only say this, that the labour inspectors are part of the staff of the divisional engineer, they enable him to do his administrative work in connexion with his labour that must be carried out. Without that staff he has

no one in particular whose business it is to go and see that all the hundred and one things that are necessary in the administration of labour are carried out, unless he does it entirely himself.

MR. COOKE: What about road foremen?

SIR GODFREY RHODES: Road foremen have nothing to do with labour, except in their own particular section. We have masses of labour, especially in the bigger centres—Nairobi, Mombasa and other places—that are not under any direct inspector from the administrative point of view. We can take Nairobi as an example, where we have thousands in camp. There is a great deal of work which continually requires attention and one of the ways in which this work is being done is in connexion with the Whitley Council which we have established in order to keep us in close touch with our staff. One of the important people attending the Whitley Council is this labour inspector, whose business it is to keep in touch with the requirements of the people concerned, and to bring to our notice any reforms or matters which require attention, and when the decisions are taken it is he who very often has to implement them. A labour inspector from another department cannot do any of that sort of thing. He can go and inspect a camp and criticize it and point out mistakes, and it is he, this labour inspector, who has to go. I regard them at the present time as very valuable members of the Public Works Department staff and I oppose strongly any suggestion that these three posts should be deleted at the present time.

LADY SHAW: I support the motion put forward by the hon. Member for the Coast very strongly, and for a practical reason. As one goes down the road one passes three different authorities, probably looking after roads. One is the Public Works Department, one is the district council, and the other is the local contractor, or not necessarily a local contractor. All these people have large labour camps. Individually they are prepared to look after their own labour, but in very many cases the labour is not looked after at all. I have seen the most scandalous instances of labour which is being run by contractors utterly neglected—no latrines dug, no decent

[Lady Shaw] housing, nothing. Now if the Labour Department was responsible for going down that road these things would not happen, and it does seem to me quite ridiculous that one man should look after the lowest Public Works Department labour and one man should look after the highest. Personally I think it is a case of duplication and re-duplication, and complete absence of inspection in many cases. If the Labour Department were responsible for the whole lot I think perhaps something might be done.

MR. NATHOO: Mr. Chairman, I rise to support the motion for the reason that, as has been said by previous speakers, there is a lot of duplication of work and also we are not in a position to know what the Labour Department is actually costing us, and which sort of items are going to other departments. I regret I cannot accept the explanation of the Special Commissioner of Works for this reason—that these inspectors could be, if necessary, in the Labour Department, and should have been so. They would be quite competent to deal with the Whitley or any other council necessary, and I do not think it is necessary to have three extra inspectors in this particular department.

MR. JEREMIAH: Mr. Chairman, I think that the motion has been moved because of some doubt as regards the work of these people. Labour inspectors, in my view, are people who should be under the Labour Department, but after hearing the explanation by the hon. Special Commissioner I understood that these people were not concerned merely with inspection of camps, but with regard to their welfare. I suggest that the same should be changed to labour officers instead of labour inspectors, in order to meet the wish of the mover of the motion.

DR. RANA: I should like to know from the hon. Special Commissioner whether one of the duties of these labour inspectors is to recruit labour, or is it only to inspect them?

SIR GODFREY RHODES: Nothing to do with it.

MR. ERSKINE: Mr. Chairman, I am somewhat confused at the suggestion that these three officers may be redundant by

reason of the fact that the work should be done by the Labour Department. I understand that these three labour inspectors are to look after the labour of the Public Works Department. Now, does it mean that if I set up in the contracting business and employ a very large number of labourers, and quite obviously have to have a special man to inspect their housing and look after them generally, may I also, as it is suggested that the Public Works Department should do, hand over that responsibility to the Labour Department? Is there anything particular about the Labour Department which implies that its duty is to look after the labour of Government departments rather than the labour of private enterprise? I think that a fallacy has crept in here, and I should be grateful if I might have an explanation from my hon. friend the Labour Commissioner.

MR. HAVELOCK: Mr. Chairman, although I raised this matter in the last budget debate I am still not quite satisfied at the title these men have. If they are actually labour inspectors: well then I would consider that is definitely the task of the Labour Department to inspect and see that the employer, whoever he may be, is carrying out the proper conditions. But if, as I think is the case, they are compound managers of large groups of labour situated in Nairobi, Mombasa and Kisumu, or elsewhere, then the situation to my mind is different. I should like the hon. Special Commissioner to clear that point up. Are they compound managers, or is there somebody else in charge of these groups in these centres?

SIR GODFREY RHODES: I think the confusion has arisen over the choice of name. Labour inspector, from our point of view, is a man to whom we look to help us with the administration of our labour force, in the same way as the hon. Member for Nairobi South has mentioned with regard to his possible employment of large quantities of labour. It is not a duty that the Labour Department can take over or relieve us of; it is something we must do ourselves. I think the word perhaps is wrongly chosen. We had before "labour managers", but we do not like that now. I do not like the term compound mana-

[Sir Godfrey Rhodes] ger" either because these men have more to do than to be merely compound managers. We might have many compounds, for example three or four, each with a compound manager or headman in charge of that particular area. Perhaps "labour supervisor" would be a better word. It is purely a question of language. I am not sure what is the best name to choose. Perhaps the hon. Labour Commissioner could suggest something.

MR. HYDE-CLARKE: Mr. Chairman, I think the hon. Member for Kiambu has put his finger on the point, and the hon. Member for Nairobi South. Every large industrial undertaking has got to have an element of personnel management. In fact, in many countries wherever there is a labour force of a certain size 500 or more, it is necessary by law that there shall be a compound manager, labour supervisor, whatever the name may be. My own view is that the confusion of thought has grown entirely over the description in the estimates. Last year, as the hon. Special Commissioner has said, they were called labour managers. There was some objection to that. They are not welfare officers, they are much more than that. Labour inspectors is obviously a misnomer, with due respect to whoever is responsible for putting it in that form. I think possibly the hon. Special Commissioner's own suggestion of labour supervisor is correct. It is in my view absolutely essential that every large industrial undertaking—and this is one—should have a clear person responsible for bringing grievances to light, for looking after conditions and for general personnel management and advice to the department. I should be most alarmed if the Committee thought that these people were redundant and ought to be removed. The work of one of them alone has improved labour relations in Nairobi South/Central Area, Public Works Department, out of all recognition, and I should like to-day to pay a tribute to his work. I oppose the amendment.

MR. COOKE: Mr. Chairman, the explanation given now is not the explanation given two years ago, when we were told that they would be used for inspecting road camps and that sort of thing. I think the general feeling on this side of Council is that, in view of the explanation given, I should withdraw the motion.

I think that meets with everybody's approval and I will, sir, withdraw.

The motion was by leave withdrawn.

SIR GODFREY RHODES: Mr. Chairman, I am very glad indeed to have an opportunity of replying to these questions, because, contrary to what some hon. members probably think, I am very glad to have useful and constructive criticism brought to notice. One of my main objections to having my office down on the far side of Nairobi is that I am to some extent out of touch in that way. But those with real grouses manage to find their way down to me all the same!

The hon. Member for Kiambu has drawn attention to this question of staff and has asked a very difficult question. He has asked how much work will these revenue people do on purely capital development work? I tried to explain in my introduction that there is bound to be a good deal of overlapping between the two sections of the staff, but in designing these estimate we have tried to give you what we consider to be the minimum correct establishment for a permanent Public Works Department on which can be built up any development section that may be required. You have got to have at least a minimum planning staff and at least a minimum administrative staff in a department, before you can build on to it at all. It was because of the complete absence of that sort of staff a few years ago that you have been led into all these troubles which we hear about now. While I cannot therefore definitely answer the question put to me, I can say that you must have at least this minimum staff to enable you to carry out any development work at all, and to this staff you can quite safely add the temporary staff that may be necessary from time to time to enable you to carry out your development.

I do agree that many people have complained that we have not been able to supervise our staff properly in the past. That is one of the reasons why I am asking for a more able organization than we have to-day, and I shall certainly hope that during the coming years that complaint will largely disappear. I do not say that we can get over it in every case, but it is a question of a gradual progression towards a better

[Sir Godfrey Rhodes] system. No one will state that the Railway, which you hold up as an example, found their solution in the first six months of the year. Their efficiency has come about over a period of years, and it is that period I am asking for now. I hope that within the next year you will begin to see some step forward towards better management and better planning.

The hon. member also raised a question with regard to the sewage section, and suggested that after a period there would not be the work for that section to carry out; therefore we should try to give it out to contract. We do not anticipate that position at all. This sewage section has been pressed for by the Medical Department and the Member for Health and Local Government for a good long time, and it is long overdue, and it will be found useful for many years to come, if not for always. Therefore I do not think the problem can be handled by contractors. For one thing, there are no suitable contractors to-day, and secondly, if we bring in consulting engineers, the proper people to go to, it will be extremely expensive, and it is also a job so minor in detail that they are not likely to take it on unless paid at a high rate. This is in my view the cheapest way of tackling the problem and one that will give the Colony the most satisfaction.

The hon. member also drew attention to the question of A Route and the planning there. It is difficult for me to answer, because I found that road as a legacy. But I should like to say this, that if the hon. Chief Secretary and his Planning Committee had been given the right figures two or three years ago when this road was being planned, perhaps a different decision would have been taken. I do not know. All I know is that the department was not in a position to give the right figures, owing to the fact that no planning or survey was carried out. A guess figure had to be made, which proved to be completely wrong, and there you have A Route, which is going to be expensive, when perhaps other arrangements might have been made had that fact been known at the time.

The position now is that the work has got so far that it cannot be stopped, but

we have reduced the dimensions of the programme considerably, and reduced the amount of earth works carried out, and reduced the specifications wherever it is safe to do so. The final stages of the road will be nothing like so expensive as the initial stages. Beyond that I do not think we can go, because it arises out of something that happened in the past which we cannot now correct.

The hon. Member for Rift Valley asked me three questions. The first was with regard to the Materials Branch, and he said it had been suggested that it does not work too well and that there has been resulting confusion in some of our contracts. Considering the fact that the branch has not really begun to work at all, that sort of complaint is not surprising. It is very much in the embryo stage. We have an excellent head there in Mr. Strongman, who is busy trying to create his branch. He and some of his staff which he has got together, some partially trained, are doing what they can to give the Road Branch the information necessary for them to enable them to design their roads. Trouble has arisen through the fact that most of these roads had to be designed and information collected and prepared for us by a contractor who had a soil laboratory and was in a position to carry out tests for us.

I do not suggest that the reports given us by that contractor were wrong, but I do suggest that he was not in a position to carry out anything like sufficient tests that are necessary to design roads in this country. It has been found by bitter experience that what might appear to be right in one section, a hundred yards or even a quarter of a mile away conditions are totally different, and the figures given us in that test are not accurate for the whole of the road. We therefore had to work on completely inadequate information. That we are correcting as we go with this beginning of the Materials Branch, and already we have been able to obtain very useful results and to modify specifications. In fact, we have not hindered contractors but already have helped them in obtaining results which they were not able to get under the former process, so that I think that is a condition that will gradually disappear. I hope that within the next three or four months, when

(Sir Godfrey Rhodes) equipment arrives, and staff at work, these problems will not arise in future.

As regards the Roads Branch, I am very glad to be able to inform hon. members that we have a Roads Branch now in the beginning stages. A year ago we had only one officer, perhaps at the most two, who were concerned with the road problems of the Colony. This Council abolished the post of road engineer in the period of the slump in 1929 or 1930, and I think we have been paying for that mistake ever since in heavy garage bills and other forms of expense. We have made a start with the Roads Branch. We have a first-class man in Mr. Weale from South Africa who has taken charge, and I cannot pay too high a tribute to him for the work he has done in the short time he has been here.

Hon. members have referred to the lengthy report he was able to prepare within three months of being here and he has now given us a second report based on revised financial figures placed at our disposal by the hon. Chief Secretary. That has led to a modification of the original proposals. We have downgraded construction proposals in some extent, and also the maintenance section to fit the amount of money that is going to be at our disposal. The size of our programme will, of course, depend entirely on what capital can be provided for betterment and new construction. The proposals contained in the estimates are, of course, for maintenance only plus a little shown under Public Works Recurrent and Public Works Extraordinary. The main construction problem has not been dealt with at all.

Again I would suggest that it takes time to produce results, and although Mr. Weale is here and has acquired his staff, we do not really expect to show much change until next year.

The hon. Member for Rift Valley also raised a third question, the overheads in connexion with the Building Branch, and asked whether building is expensive and why it is expensive. The planning part of the Building Branch is going to be able to take care of the problems that you have facing you for the next three or four years, because they have some two or three years' work ahead before our jobs are fully planned. Building is

expensive in this country, and for two or three reasons. One, of course, is the cost of material compared with pre-war prices. The second is the higher cost and shortage of skilled labour, and the third is the higher cost of unskilled labour. But a great deal of the expenditure has been due to the fact that we have had, as has been said before, to rush these jobs without plans. I hope to cut down expenses in the future, and on the contract side the latest tenders we have had show that there is a tendency at the moment at any rate for building prices to fall. How long that will last I do not know.

The hon. Member for the Central Area, Mr. Nathoo, stated that because of lack of designs from the architectural side, work will still have to be given out to private contract. That has been so for the past two years, and it will perhaps be with us to some extent in 1950, but I hope that we can avoid it almost entirely later in 1950 by doing the work ourselves. We are still short of three architectural assistants and four quantity surveyors, but when these people arrive we hope to be in a position to tackle most of our work without going outside.

The hon. member Mr. Mathu raised one or two questions in connexion with the Native Industrial Training Depot and asked for our co-operation in training. I spent a few hours at Kabete with Mr. Talbot the other day, and I can assure you that he is doing excellent work, and our co-operation in this connexion comes, I think, in placing at his disposal work suitable for his various gangs organized under their own instructors who go to various areas and carry-out work for us. We cannot give them more complicated buildings, but we give him those which they are able to carry out and so help him in his training programme. It provides just exactly the type of work on which to bring up his trainees. As a result of that, at the end of their four-year time, those boys will be trained to a certain degree of skill, and it is at this stage that I want the trade tests to come in, so that they can be properly classified as far as their skill is concerned.

I did not refer in any way to the wage question, which is another matter altogether. It will be dealt with by the hon.

(Sir Godfrey Rhodes) Labour Commissioner when that department comes up for discussion but so far as grading for skill is concerned I think it is very important that we—the employer and the boy himself—should know just exactly what degree of skill he has reached, because sometimes he has very false ideas on that matter.

The hon. member Mr. Mathu also referred to the Roads Branch and pointed out what we all know, that there are quite a lot of roads in this country that are not in very good condition and which require attention. These roads will have the due attention of the Roads Branch as soon as they can tackle them, but there is far more to do than can be done in any one year, or in any two or three years. So it is a question of priority which has to be decided by whatever authority is there to decide these matters. At present it is the Central Roads and Traffic Board. Already we have a programme awaiting authority for 1950, and all these questions about which road should have first attention and how much attention will be decided by that body.

The Thika-Nyeri road is one of those we recognize as being in bad condition. We did give you an answer the other day to a question about that, and it is one we hope to survey during the coming year. In the meantime, while that is going on, before any new roads can be built or new bridges, we must know of course the correct alignment. In the meantime we will do what we can to improve conditions on the existing road to keep it open.

He also suggested that we should sacrifice other branches in order to keep the Hydraulic Branch going. I cannot do that completely, but we are watching that and we have given the Hydraulic Branch what priority and staff we can give.

The question of boreholes and water supplies in towns, etc., all come under my hon. friend the Member for Agriculture, who has a special water committee to deal with priorities in connexion with these matters.

The hon. Member for Nairobi North has raised one or two financial problems that are not so easy to answer. The question of having a redemption fund for loans as well as a renewals fund is one

that has been debated for many years, particularly in connexion with the railway loans, about which I have had a certain amount of experience.

I would first of all like to delete the word "repair" which the hon. member used. Repairs are quite different from renewals. Repairs, of course, are maintenance expenses that should go on every year, regardless of what renewals policy you have and regardless of what redemption policy you have. That is taken care of under our maintenance votes in these estimates, but the question of providing money for a renewals fund in addition to providing money for a redemption fund, is one that can be argued. The essential point is that in practice you must have money for renewals. You must have that, otherwise your service stops. You cannot take it out of the redemption fund because that is used for another purpose. That is a special financial provision, usually a statutory one, when raising loans, without which nobody would lend you money. You have to put it in for that reason. It is always a very low figure and usually quite insufficient to redeem your loan in full when the time comes.

I hear some reference to a loan in one of our previous discussions which could not be redeemed from redemption money, and therefore a fresh loan had to be raised to redeem it. It is true that if you have both a redemption fund and a renewal fund you are to some extent making the present generation pay a little more than it should for the future but if that goes on all the time it even itself out, and in any case nobody wants more in a renewals fund than is absolutely necessary to replace the wasting assets.

The hon. member also asked whether in our estimates the expenditure shown under the various water supplies covered operating expenditure and also covered the contribution to the renewals fund. That is so. The contribution to the renewals fund is always correctly part of operation expenditure. My only complaint was that, having got your renewals fund, it was not always easy to get at the money in order to carry out the renewals when they were due.

MR. VASEY: I wonder if the hon. member would allow me to ask him, is that correct in the case of Mombasa?

[Mr. Vasey]  
Does the £29,000 shown cover a renewals fund contribution? I do not think it does.

SIR GODFREY RHODES: Well, I am not entirely familiar with that detail, but I hear somebody saying it does not. Apparently it does not include any contribution to renewals. I did not know we did not have a renewals fund for all our water supply accounts. If not, it looks like a question that I ought to go into and see whether I cannot get one established as soon as possible.

I have just been informed that it is there under item 304. I hoped it was.

The hon. member also asked whether murrain roads cost less to maintain than bitumen roads, and I think the answer is yes. Murrain roads do not cost so much as bitumen roads to maintain for the very good reason that a bitum road has to have a fresh sealing coat every four or five years, and that is an expensive matter. It averages out, I think the latest figure is £150 a mile for bitumen, and about £80 or £90 to £100 for murrain or earth roads. But of course the difference in surface is quite considerable. A murrain road is always dusty in dry weather, and almost collapses with the present traffic, and to maintain it we have to put back all the murrain that blows away into the bush on either side. That can be done with a grader and is a simple matter, and by excavating murrain from borrow-pits with a shovel or bulldozer.

The hon. member Mr. Jeremiah asked why all our servants were not permanent, although many of them have been employed for many years. You can only go down the scale to a limited extent in this matter because many of them are junior staff and can only be retained in the service as and when works are required, and it is not possible to extend the permanent and pensionable scales right down to the lowest grade of employee. But the principle has been recognized in these estimates that certain sections of the staff which have hitherto not enjoyed the privileges should come in, and we are busy getting these people into their proper places. I think that is as far as we can go at the present time.

He also asked whether our road money was being properly used. I think

I have answered that sufficiently to show that it is not properly used yet, but we hope to ensure that it will be. But as regards assistance that our technical staff, when we get them, can give to district councils and local native councils and others, I would say that we are only too happy to help in every way we can and we will gladly do all we can to encourage them in that direction.

The hon. Member for Ukamba has asked about the maintenance of murrain roads and why we did not put bitumen on them more frequently, and is there not any way in which they can be stabilized. I think the answer there is that murrain and earth roads are always going to have their deficiencies in a climate and a country like this. In dry weather they are very dusty and corrugated, and in wet weather they are inclined to be muddy, and give trouble in that way. But we are experimenting, and this is where the Materials Branch is going to be of great value to us, too. We are experimenting with various materials such as lime, cement and other materials. We are even experimenting with the waste products of sisal, in trying to find ways in which we can stabilize fairly cheaply murrain and earth roads, without going to great expense and putting bitumen down. The moment you put bitumen on to a road that has been otherwise reasonably satisfactory you seal off the surface and you prevent the natural evaporation which usually goes on, and immediately water begins to collect underneath, and sooner or later, if the job has not been properly designed, that bitumen surface begins to break up into pot-holes and becomes even more horrible than it was before the bitumen was put down.

We have many examples of this, not very far from Nairobi, and our aim, therefore, is that whenever we put bitumen down, to see that there is an adequate foundation under it, so that this breaking up will not occur. We are shortly going to see a certain amount of trouble on the Thika Road which looked like being a first-class bitumen road, but already these are signs of failure to those who can see them. The foundations on that road were not adequately prepared, and we are going to have to rebuild a section of it; not all of it, but where the subsoil conditions

[Sir Godfrey Rhodes]  
are not very satisfactory, having been built on black cotton. We will try to do that without the public travelling over the road being inconvenienced too much and even without passing the fund. that we will require in this Council, because I think we can do it gradually, doing a little bit at a time, and so keep down the annual expenditure to small figures. That only illustrates the sort of trouble you get into the moment you put a black top on a road if the foundations have not been properly designed and constructed.

I do not know whether that answers hon. members sufficiently.

The hon. Member for Aberdare also referred to the Roads Branch and asked that his area should have proper priority, and wondered why at this late date we should be asking for traffic statistics, and so on, and why we have no organization for taking statistics. I asked that question too, but you abolished all that in 1930 and there has been nothing put in its place until now. We hope in future to have all this information properly collected, properly presented to the authority that is going to be concerned with judging these matters, and then we hope that each road will get its proper place as regards priority, and although nobody will be satisfied, because each one thinks his own road should have priority, we will in the long run be able to achieve something for the Colony as a whole.

The hon. Member for Nairobi South referred to eyewash, and I think his trouble is that he seems to think that because there is a Development and Reconstruction Authority planning authority and a Development and Reconstruction Authority reconstruction authority, and also a Public Works Department, there must be some overlapping because he does not recollect that the Railway Administration has anything of that kind. The Railways, too, will carry out a big development programme. They must have a planning body and priorities settled for them, and that is done by the Railway Council and the Railway Administration in the normal way. Now we on the roads side, on the development side, must come to some body where those priorities can be decided for us. It is our business to put up the correct

estimates, the time lag necessary and so on, how long it would take, then we must ask this body to decide on priorities. You have a Development and Reconstruction Authority Planning Committee and a Development and Reconstruction Authority. After those bodies have dealt with their part of the programme the problem comes back to the Public Works Department again to execute and carry out, as to the Railway Chief Engineer, so I cannot see there is any real difference whatsoever in the procedure except that there is a new name—that is all. I do not know whether my hon. friend the Chief Secretary agrees that that is a reasonable explanation of the position.

The hon. member Mr. Ohanga asked one or two questions about planning in rural areas and the need to have main roads fixed before important buildings are sited. Well, I agree with him heartily over that, and I hope our new officers with the Planning and Survey Section will be able to do just that work for them. It cannot be done to-morrow but it will be done in due course. Again I would assure him that our technical staff will be only too glad to help with advice and assistance whenever they can. He did, however, suggest that our road foremen should be used in African local areas. Well here we have not in these estimates provided staff at all for either district or local native councils, we have only provided staff for carrying out the work which is our direct responsibility in the roads system of the Colony. If any local native council or any authority requires roads we will be only too glad to help them to get them.

I am afraid I cannot deal with the question of railway extensions in Nyanza Province, that is now outside my jurisdiction. With regard to a main trunk road to Uganda, high priority is being given to this, as hon. members know. A beginning has been made at Nakuru, and the first section as far as the Molo River is now under construction. If our road programmes are accepted by the Central Roads and Traffic Board we hope to go on to the next section which will take us to Londiani. However, I am told by one of my hon. colleagues behind that he has recently travelled over the road from Busia, Kakamega to Kisumu and that he has got up to 50 to 60 miles

[Sir Godfrey Rhodes]

per hour without difficulty, so that he no visible had effect at the present time unless he ruined the road in doing so. (Laughter.)

The hon. Member for the Coast has stated that he still notices signs of defeatism and so on in the Department of Public Works. Well, I am afraid that is so for various reasons, but I am hoping that we are gradually overcoming this feeling in the department. One of the quickest ways of overcoming it is of course to enable our staff to carry out work to their own satisfaction. Now that has been a very serious problem in the past for one reason or another—lack of material, lack of artisans, lack of this or that. Lack of properly thought-out plans has meant that our junior staff have not been in a position to do themselves justice, and therefore the best of them did worry on that account but that I am hoping will be overcome if my recommendations can gradually come about during the coming year.

He has also mentioned that there have been delays in connexion with road work. That is because our capacity to build roads and repair roads is very small. We undertook A Route before we had the proper organization or the proper equipment. We had to strain the staff there. Most of them were completely fresh to the country and did not know the conditions, and all this takes time. I think there I can only say that they are now doing first-class work and doing it very much less expensively than was the case a few months ago, and I think this question will very soon become a minor one. I think by about next August you will be forgetting all about it. Our south coast road we have had to stop completely because we have not got the proper staff or equipment. It was going far too slowly, so we have stopped it until such time as our new staff and plant become available, when we will start again. The north coast ferry delays were due to other reasons, which the hon. member knows all about. I think we have overcome them now. I believe the second ferry is on its way, or shortly will be on its way, to that particular section.

I feel sure all these matters and others that have no doubt become known to the public do make the public wonder

what is happening, and a letter from my friend Mr. Gardner at Nyeri draws attention to some of the matter that we just cannot put right yet. He asks in his letter, where are the rollers, the foremen, the staff and so on, and those are questions we are asking ourselves. I will only ask you to be patient and we will give you the answer in due course. I propose to write to him about that.

I think, sir, that exhausts my sheet of questions up to the present time and I have no doubt there will be some more as we go through the different branches.

The question of items 1 to 41 was put and carried.

SIR GODFREY RHODES: I beg to move that the Accounts Branch, items 42 to 58, be approved.

LADY SHAW: I want to amend number 44, but I do not want to do it if anyone has an earlier one.

I wish to move that item 44 be reduced by £1,000. I see that we have gone from seven to 11 assistant accountants. I would like in moving this to ask the hon. Special Commissioner for Works whether he has got all his 11 yet, or whether they are still in the air. Is he hoping for 11 or has he got them? I personally feel that an increase of four is a very considerable one, and I should like to see it reduced roughly by £1,000.

MR. RANKINE: I would like an opportunity of speaking early on this. It is, I think, at my instigation largely that the Special Commissioner has asked for an increase in this vote. The reason for the increase is twofold. In the first place, as Council knows, the tempo of development has been increasing very rapidly. That means, of course, that expenditure has been increasing very rapidly. As the member largely responsible for the expenditure, since a large amount of it is Development and Reconstruction Authority, I have felt a very special responsibility in the matter, and one of the things that has caused me the greatest anxiety is the expenditure and proper control of public money. It is the case that owing to the rapidly increasing expenditure the Accounts Branch has fallen very largely in arrears. That has meant in its turn that the information which I have been able to get regarding

[Mr. Rankine]

the expenditure on roads in particular and on buildings and on all other works is very greatly behind the work itself.

Can anybody regard that as a satisfactory position? I regard it as most unsatisfactory. When you are unable to get information, for instance, as to the expenditure on Limuru A Route until many months after the expenditure has taken place, obviously you are not in any position to keep a proper control over the expenditure, and I regard it as of the very highest importance to get the Accounts Branch up to a stage at which it can give accurate and up-to-date information. I brought that matter to the attention of the Special Commissioner, and I should regard it as a most retrograde step indeed to make any reduction in this particular vote, and I certainly hope that the Council will hesitate very much before it does it. (Hear, hear.)

SIR GODFREY RHODES: If I may supplement that statement, I would say that although we have asked for 11 assistants we have certainly not got them all yet, but we are trying very hard to get them. We are short of about five at the moment and there are casualties taking place in the future which brings the figure up to a higher number still. I have, of course, to bear in mind instructions which I have received from the hon. Chief Secretary. I have gone into this very fully with the Chief Accountant and I have in front of me the ways in which we will employ all these people and I am quite satisfied we need these assistant accountants in the places that we are planning to put them if we are to keep our accounts in the proper order. But the mere fact that we have increased them by four on the previous estimates I suggest reflects on the wisdom of the previous estimates rather than on the present ones. I consider the present requirements are nearer what we ought to have.

MR. HAVELOCK: As I understand from the hon. Chief Secretary that it needs three months to get figures of costings at the moment—

MR. RANKINE: On a point of explanation, I do not think I said three months—I said many months.

MR. HAVELOCK: More than three months. It does seem to me that the department is now short of five accountants. Is it necessary to have five more accountants to enable the figures to be brought out at a very early date? The figure last year was seven, this year it is 11. I understand therefore there actually are working six accountants, if there are five short. I understand that from the hon. Special Commissioner. If there are five short now and they still can carry on, I suggest they should probably be quite efficient, up to the standard required by the hon. Chief Secretary, if they only had four.

The debate was adjourned.

MR. RANKINE moved: That the Committee rise, report progress, and adj. leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Thursday, 8th December, 1949.

Thursday, 8th December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 8th December, 1949.

Mr. Speaker took the chair at 9.30 a.m.

The proceedings opened with prayer.

#### MINUTES

The minutes of the meeting of 7th December, 1949, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

##### No. 69—IMMIGRATION

MR. SALIM (for Mr. Shatry, absent):

(a) How many Indians, Europeans and Arabs entered the Colony in 1949 as permanent residents?

(b) How many other nationals, if any, also entered as permanent residents?

(c) How many of each nationality entered as temporary employees and of these how many have already left?

MR. O'CONNOR: The following figures refer to entries under the Immigration Control Ordinance, 1948. In addition a certain number of permanent residents entered the Colony during 1949 bearing entry permits previously issued under the Defence (Admission of Male Persons) Regulations and Defence (Admission of Women and Children) Regulations, which had remained valid.

It has been assumed that the category "Europeans" in the question refers to British Europeans.

The figures are:—

(a) and (b) Entry Permits—

British Europeans	Other Nationals	Asians
295	112	637
Arab Entry Passes		
652		

(c) Temporary Employment Passes—

British Europeans	Other Nationals	Asians
1,650	653	2,299

Figures for holders of Temporary Employment Passes who have left the Colony are not available. The number is unlikely to be large so soon after the introduction of the Ordinance under which they are issued.

No. 70—POLICE STRENGTH IN MOMBASA

MR. SALIM (for Mr. Shatry, absent):

Is Government aware of the acute shortage of policemen in Mombasa, particularly so far as the Majengo area is concerned, where there has been a considerable increase in burglaries?

MR. O'CONNOR: Government is aware that the police strength in Mombasa, in common with other parts of the Colony, was until recently considerably below establishment. At the end of November, however, personnel who then completed a course at the Police Training School became available for posting to Mombasa and elsewhere, with the result that Mombasa is now only six men under establishment.

Government is not aware of an acute shortage of policemen in so far as the particular Majengo area of Mombasa is concerned. The local establishment of 41 police at Mucupa Police Station, from which Majengo is policed, was under strength until the end of November, when it was brought up to strength.

#### COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the draft estimates of expenditure for 1950.

##### Head 3—Public Works Department

The debate on the motion to reduce item 44 by £1,000 was resumed.

MR. ERSKINE: I should like to speak on item 44.

We had reached the stage in discussing the motion of my hon. friend the Member for Ukamba where the hon. Chief Secretary had pointed out very rightly, that he, as Member for Development, was giving a very great deal of work to these people, among whom figure the 11 assistant accountants. Earlier in yesterday's debate we were told by the hon. Commissioner for Works that there must of necessity be a certain amount of overlapping between the Public Works Ordinary Department for doing the current work of the Colony and the Development and Reconstruction Authority. Sir, I feel that contrariwise there must be some backwash from the

[Mr. Erskine]

Development and Reconstruction Authority, and to discuss these 11 assistant accountants without noticing that there are also 22 assistant accountants at item 34, appendix A, on page 34 of the Development and Reconstruction Authority's budget would be wrong, would be misleading. I will not support the motion to reduce this item of 11 assistant accountants, because I believe that they have a great duty to perform at this stage of development, but I do not want it to be thought that they have to do the whole job themselves. They are part of a team of 33 assistants, and I point this out once again to show how much I regret that it is not possible to take these items altogether.

MR. RANKINE: Mr. Chairman, on the question of taking the items altogether, the Government side was specifically asked to take the Development and Reconstruction Authority's estimates in the order in which they appeared in the estimates—that is, after all the others had been taken, and that is the only reason why we are taking them this way.

MR. VASEY: I would like to corroborate what the hon. Chief Secretary has said. It was to suit the convenience of members on this side that the Development and Reconstruction Authority's estimates were to be taken at the finish instead of being intermingled as last year.

MR. MATTHEWS: Mr. Chairman, on the motion itself I would like to say this: that during my short term of office I have concluded that the accounts of the Public Works Department are in a distinctly unsatisfactory condition. I have further concluded that this, possibly more than anything else, detracts from the imposition and retention of proper financial control, and unless and until these accounts are brought into a satisfactory condition that happy state of a proper financial control cannot be properly exercised. Consequently if this motion succeeds I would like to say that possibly Council will be a penny wise but possibly many pounds foolish. I oppose the motion.

MR. COOKE: While accepting the need for an increase, I think it is felt on this side of the Council that it is too large

an increase, a sum like 40 per cent, and surely it would be better to give two accountants this year, and if two are found to be inadequate, next year increase them to more. It seems to me too big and too sudden an increase.

MR. RANKINE: What throws us into more anxiety than anything else on this side is that it is frequently said that such and such an increase is too big, but no grounds whatever are produced in support of that argument. No data or no information is given as to why it is too big. These are estimates which have been very carefully considered. As the Council knows they have taken nearly six weeks to prepare. They are put up by my hon. friend the Special Commissioner for Works, they are vetted by myself and finally by the financial officers. The hon. Member for the Coast has frequently himself said, "Give the people what they want". When they ask for certain things and produce very good reasons in support, all we are told is, "That is too big", but, as I have said, no arguments whatever are produced in support of the statement that it is too big. It merely appears to be too big. We would like to know why it is too big.

MR. COOKE: How could we possibly know why it is too big, we do not know the inner workings of the mind of the hon. gentleman? Supposing he had asked for 22 instead of 11, all we could say is we believe it is too big; supposing he had asked for 33, all we could say is we believe it is too big. We do not know what the facts and details are. He must be within reason.

MR. RANKINE: That is the point I was trying to elicit. The hon. member says himself: "How can we possibly say it is too big?" That is exactly what I was asking.

MR. COOKE: We cannot say how it is to big. We believe 40 per cent is too sudden an increase. We are not permitted to know the inner workings. We get information sometimes but we cannot disclose it in this Council. We get hints. We got hints about a certain department which I am going to make use of later on, but we cannot disclose the names of our informants always. It is a difficult thing. As the hon. Member for Kiambu said yesterday, we have a feeling it is too large.



LADY SHAW: I go one further than saying I have a feeling. I look down this list and I see an increase in the first column from £9,277 to £22,465. I see other accountants, Asian accountants, and other special accountants. Now it does seem to me that although we may not be able to justify in detail our claim that this increase is too big, we have very good reason for thinking it is too big; because we think the Public Works Department is spending too much money. That is why I think it is too big. I do not believe, think, feel—I am certain it is too big. That is why I moved this reduction. It is not just one case of accountants, it is a whole outfit of increases on the page, and I personally do not think for one moment that Government itself has fully justified this increase. If they told us the accounts are in a mess and they want temporary staff to clear them up, I think they would justify an increase, but if they put this forward without saying that the staff is for this I do not think they will have justified an increase, when they say themselves they are in a mess. They have been talking about our not justifying our point of view—I do not think Government has justified its point of view, and what is sauce for the goose is sauce for the gander.

SIR GODFREY RHODES: Probably I could help hon. members opposite a little by explaining just how these 11 accountants are employed, if I may start by saying I have no control over the amount of money that is given to the Public Works Department to spend—that is somebody else's problem.

I am trying to provide an organization to deal with the problem as it is given to me.

These 11 accountants are distributed in this way: one to each division—you obviously cannot have less than that; there are four at Headquarters, making nine—you cannot have less than four at Headquarters for handling the mass of business that we have to deal with; then there are two more running around to fill up where vacancies or casualties take place. I cannot possibly see how this department can function efficiently and as you all want it to function, with less than that. I can only support what my hon. friend the Chief Secretary has

said. These questions have been gone into very fully with the people who know. It is quite impossible even for me to know all the ins and outs of the whole department, but by discussing things with the heads of departments and going into it very fully, and by then putting up these estimates to each section, when they are again examined and any faults that can be detected are pruned out of them, I can only say the estimates as they are now have been fully gone over by responsible people who have to do the work. I think arbitrary cutting, just because somebody feels that the numbers are too great, or that the amount of money is too great, is quite wrong.

MR. HAVELOCK: There is one point made by the hon. Member for Ukamba which I would like answered. She said that we have been told by the hon. Financial Secretary that the accounts at the moment are in a disorganized state. I accept the fact that they must be put in order, in order to have proper costings and allocations, but the point is when they have been put in order will there still be the necessity for this large permanent staff? Will it not be possible in the next year, say, two or three extra accountants, to put the accounts in order, and then reduce the staff when the accounts are working smoothly?

SIR GODFREY RHODES: The reason why the accounts are in a mess is because we have not had sufficient people to look after the accounts. Now we are recommending to you what we consider is the minimum number to keep those accounts in a satisfactory state. You will notice that there are no asterisks against the 11 official accountants, so that at any time they can be removed if the situation shows that they are redundant.

MR. VASEY: On a point of order, I think it is correct to say there are seven pensionable ones. Is it correct that there are seven of these posts pensionable?

MR. MATTHEWS: The seven posts that were shown last year, Mr. Chairman, are shown as pensionable. The four new posts have been excluded from that category so that adjustment will be possible at any future date.

The question was put and negatived on a division by 19 votes to 7: Ayes—Messrs. Blundell, Cooke, Havelock,

Hopkins, Keyser, Maconochie-Welwood, Lady Shaw; 7: Noes—Messrs. Anderson, Cavendish-Bentinck, Chemallan, Davies, Erskine, Hobson, Hope Jones, Jeremiah, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patrick, Rana, Rankine, Rhodes, Salim, 19: Paired—Messrs. Preston, Usher, Vasey, 3. Did not vote—Messrs. Nathoo, Pritam, 2.

MR. COOKE: On a point of order, I heard the hon. Member for Nairobi North in a stentorian voice say "Aye", yet when the voting took place he paired with the hon. Labour Commissioner. How can you have it both ways.

MR. VASEY: On a point of order, I think it is understood in that should the Leader of the Council desire to call for a quarter hour adjournment on a division in order that he shall call up his forces to vote for him he is so entitled, and in order to avoid that to-day I voted against the Labour Commissioner's vote by abstaining.

THE CHAIRMAN: I do not quite understand the hon. Member for the Coast continually raising these questions of people voting. The Chair has really no control over any member's vote. It is a matter for his own conscience and so forth, and I have no right. Certainly, if a gentleman shouts for a division, being in the minority, and then goes and votes with the majority, or does something like that, then there is something to raise a point of order about, but this mere fact of pairing and dividing which is customary here has nothing to do with the Chair.

MR. COOKE: If the hon. member is pairing I do submit that he cannot say "Aye" because he might influence a debate. You might have let the "Ayes" have it by hearing a stentorian voice on this side of the House.

MR. VASEY: In order to clear the position up I still contend that I voted "Aye".

THE CHAIRMAN: And your pair voted "No". Can we put an end to this debate?

MR. COOKE: I have finished! (Laughter.)

Item 51—I would like to move the reduction from 18 new clerks to 13, a reduction of 5. I think to create 18 new

clerks is a tremendous lot at one stretch, and also if I cannot satisfy my hon. friend the Chief Secretary as to the whys and wherefores I can remind him that three years ago he nearly bit my head off when I said—

THE CHAIRMAN: Would the hon. member mind putting the motion in a proper form.

MR. COOKE: I move that item 51 be reduced from 18 to 13.

THE CHAIRMAN: We must have it in figures by the rules.

MR. COOKE: I move that item 51 be reduced by £1,000.

MR. RANKINE: Mr. Chairman, I naturally must oppose this. I do not wish to weary the Council by going over the same arguments, but exactly the same arguments apply in the case of this vote as they did in the last one, and that is why I oppose it.

MR. NATHOO: Can I speak on this vote and say that I consider the present procedure of only considering the deletion of items is all wrong, and we ought to go back to the system of reducing the whole vote by certain amounts—

THE CHAIRMAN: We never had a system by which you could reduce the whole vote by a certain amount, not in my time. I do not know what you did in the Standing Finance Committee, I was never there, but the procedure has been laid down by Council itself and I cannot alter it; nor can I accept a motion without any notice whatever in committee of supply to alter the proceedings. You cannot make up the rules as we go along. The rules are made and are passed by the Council. If you wish to have these rules altered, then I suggest the proper method of doing so is to give notice of motion in Council for the alteration you desire, and have the matter debated properly there. But we cannot keep interrupting the business of the committee of supply in order to deal with the question of procedure raised *ad hoc*. (Hear, hear.)

MR. PADLEY: On a small point of explanation with regard to item 51, there are not 18 new clerks (Asian) (scale B) in the Accounts Branch, there are 12 new posts. I am afraid that in preparing the estimates it is very difficult to show

[Mr. Padley] exactly in the 1949 column how many posts apply to a particular branch when the Public Works Department has this year been completely reorganized into new branches. If hon. members would look at item 18, for instance, there is a reduction in clerks (Asian) (scale-B) from 63 to 53, the 1949 establishment being shown at 63 there, and some of those 63 were clerks in the Accounts Branch. Also against item 51, the position is made clearer perhaps than is immediately apparent by the insertion in the notes column of six pensionable posts. Those are posts which existed this year.

MR. COOKE: May I ask if there is office accommodation for all these extra clerks?

SIR GODFREY RHODES: We have got to find that, sir.

The question was put and negated on a division by 19 votes to 9: Ayes—Messrs. Blundell, Chemallan, Cooke, Havelock, Hopkins, Keyser, Maconochie-Welwood, Mathu, Lady Shaw, Noes—Messrs. Anderson, Cavendish-Bentick, Davies, Erskine, Hobson, Hope Jones, Jeremiah, Matthews, Mortimer, Nathoo, O'Connor, Ohanga, Padley, Patrick, Pritam, Rana, Rankine, Rhodes, Salim, 19. Paired—Messrs. Preston, Usher, Vasey, 3.

The question that the Sub-head, Accounts Branch, be approved was put and carried.

The hon. Chief Engineer and Special Commissioner for Works moved: That Sub-head Buildings Branch, items 59 to 93, be approved.

MR. HAVELOCK: Mr. Chairman, I beg to move: That item 61 be reduced by £1,000.

The reasons why I wish to reduce this item is that, speaking earlier in this debate, I made it clear, and I think it has been confirmed by hon. members on the other side, that a great deal of the work done by the permanent staff of the Public Works Department is Development and Reconstruction Authority work. I intend to attack the vote for buildings in the Development and Reconstruction Authority's estimates in which case it is logical, I suggest, that at the same time I should attack this

item, as they must be employed very greatly on Development and Reconstruction Authority work. That is the main reason why I have moved this reduction: I believe we are spending our capital money in the wrong direction, in putting so much into brick and mortar, and for that reason I move this reduction.

SIR GODFREY RHODES: I would only say that my argument in this case is very similar to what I have put up before, that this technical assistance is required to look after the planning and designing work.

The question was put and negated.

The question that the Sub-head be approved was put and carried.

SIR GODFREY RHODES moved: That the Sub-head Roads Branch, items 94 to 118, be approved.

MR. COOKE: Item 102, I suppose we shall be told that 40 means 28, but so far as we can see it is 40 road foremen. Cannot they be replaced by Africans of the ganger type and so save money as they do on the Railway?

SIR GODFREY RHODES: The roads organization is being reorganized completely, and these people will be in charge of heavy and valuable machinery. They will also be in charge of gangs attending the machines, and I am afraid that at this stage they cannot be replaced by Africans.

The question was put and carried.

On motion made by Sir Godfrey Rhodes and question put, the Sub-head Materials Branch was put and carried.

SIR GODFREY RHODES moved: That the Sub-head Mechanical Branch be approved.

MR. HOPKINS: I would like to ask why there are so many lorry drivers, why there is such a tremendous increase in the number?

SIR GODFREY RHODES: I would invite the attention of the hon. member to the footnote.

The question was put and carried.

SIR GODFREY RHODES moved: That the Sub-head Stores Branch be approved.

MR. HAVELOCK: Mr. Chairman, I beg to move: That item 158 be reduced by

[Mr. Havelock] £1,000. I do this on information which, as the hon. Member for the Coast has explained, is not always easily told, but I believe there is an overlap, an over-staffing, in the Stores Branch. I realize the great value and necessity of a properly organized store, but at the same time I believe the numbers of the personnel are extravagant, and for that reason I move the reduction.

SIR GODFREY RHODES: Mr. Chairman, I feel on very safe ground in this case, for two reasons. One reason is that I can only refer hon. members to the report of the Commission of Inquiry, which dealt very fully with the stores organization, and as a result of the inquiry we did import a very senior and highly trained stores officer from the West Coast of Africa to come here specially to apprise us of what our stores organization should be. He has been here nearly a year. Unfortunately all his staff disappeared, so he had to take on the job of being chief storekeeper in addition to being an adviser. I am sure he speaks with full conviction and from the wisdom of his previous experience that this number of storekeepers is required, and I am sure we can leave it safely in his hands.

The question was put and negated on a division by 17 votes to 11: Ayes—Messrs. Blundell, Cooke, Havelock, Hopkins, Keyser, Maconochie-Welwood, Nathoo, Pritam, Rana, Salim, Lady Shaw, 11; Noes—Messrs. Anderson, Cavendish-Bentick, Chemallan, Davies, Erskine, Hobson, Hope Jones, Jeremiah, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patrick, Rankine, Rhodes, 17. Paired—Messrs. Preston, Usher, Vasey.

LADY SHAW: Mr. Chairman, I beg to move: That item 161 be reduced by £1,000.

While understanding the point of view of the hon. Commissioner for Works, that he has been given the best possible advice, it is possible at the same time that that advice may be on the extravagant side, and if the optimum number of clerkships is not filled he may wish to acquire the maximum number, but whether we can pay for that optimum or maximum is another matter. I doubt

whether we can afford such a galaxy of clerks.

SIR GODFREY RHODES: I cannot add to the answers I have already given. These clerks are required in order to look after the stores that are placed in our custody, and if we do not have the right amount of staff, not only do these stores not get issued when required, but they get lost and stolen. We must have a properly balanced stores team to look after the stores. (MR. COOKE: Will there be any room for the stores, there are so many clerks?)

The question was put and negated on a division by 16 votes to 10: Ayes—Messrs. Blundell, Chemallan, Cooke, Havelock, Hopkins, Jeremiah, Keyser, Maconochie-Welwood, Mathu, Lady Shaw, 10; Noes—Messrs. Anderson, Cavendish-Bentick, Davies, Hobson, Hope Jones, Matthews, Mortimer, Nathoo, O'Connor, Ohanga, Padley, Patrick, Pritam, Rankine, Rhodes, Salim, 16. Paired—Messrs. Preston, Usher, Vasey, 3. Did not vote—Messrs. Erskine, Rana, 2.

The question that the Sub-head be approved was put and carried.

SIR GODFREY RHODES: Mr. Chairman, I beg to move: That Sub-head Hydraulic Branch, (a) items 173 to 193, and (b) 194 to 214, be approved.

The question was put and carried.

SIR GODFREY RHODES: Mr. Chairman, I beg to move: That (c), items 215 to 226, be approved.

LADY SHAW: Mr. Chairman, I beg to move: That this item be reduced by £4,935.

I have no doubt that some day when we have a large number of small townships with large sewage systems and so on, we may need this Department, but at present we are building up a department to deal with something that may happen in the far distant future. Personally I should like to see this Sub-head deleted completely.

THE CHAIRMAN: You want to delete the whole of the items?

LADY SHAW: I had better move that items 215 to 236 be deleted.

THE CHAIRMAN: We are governed by this paragraph 4 of (d) of this new sub-

[The Chairman] rule 6, which says: "Each motion for an amendment shall relate to a single item in the particular vote concerned and shall only be moved in the order in which the items appear in the estimates"; so I must take it that you move that item 215 be deleted?

LADY SHAW: Yes.

DR. ANDERSON: Mr. Chairman, I should like to say a few words on this. We in the Medical Department have for many years pressed Government to improve the conservancy arrangements in the smaller townships of this country. The present arrangements in the smaller townships are that the European houses and some location houses have septic tanks. This works quite well until a large institution like a school or a hospital is built, in which case it does not work so well, but in the bazaar areas the conservancy arrangements consist of septic tanks or pit latrines. Now the position is that in most of our small townships where pit latrines are the system of conservancy, the ground has been opened up with pits, which have been used for some years and closed again to such an extent that that process cannot be indefinitely repeated, and I can think of at least one township usually considered a healthy spot in this country where there are over 100 pit latrines which are overfull and seething with fly larvae, which is a terrible state of affairs.

So we consider that the time has come when some alternative system of conservancy must be introduced, as the present system is very definitely, in our opinion, a menace to the health of the community.

MR. MORTIMER: Mr. Chairman, I should like to supplement what my hon. friend the Director of Medical Services has said. It is not merely in the smaller townships that there is the very urgent need for the establishment of this section of the Public Works Department. We have had a recent experience in Nairobi where the Government wished to lay out and place at the disposal of clamouring applicants two large blocks of residential plots and two large blocks of industrial plots, and we could not proceed because we had no sewage disposal plan. That had to be carefully worked out

before the plots could be finally surveyed and allocated. We applied first of all to the Public Works Department for assistance in getting the necessary plans prepared which took several months for each block, and we were told that, as the Public Works Department was not organized to do that kind of work, they had no staff available for the purpose. We then tried the Municipal Council of Nairobi, to ask them to do it on contract. They were willing to do it, in their time, but as their own staff was so low, and was in fact too low to cope with their own requirements, it would have to wait quite a long time.

Ultimately we did get the work undertaken. It is not yet completed, but it has resulted in delay, annoyance and exasperation to the people who are waiting to occupy the plots. That kind of thing is going on all the time and will continue to go on increasingly, not only in Nairobi and Mombasa but also in the smaller townships. As has been pointed out, I think it would be very unfortunate if these new developments were to be rejected, and I am certain it would prove to be false economy because we should have to pay contractors to do the work, and pay very much more heavily than the modest requirements of this section as shown in the estimates.

MR. MATHU: Mr. Chairman, I should like to support the two hon. gentlemen who have just spoken in support of this item 215; and indeed any other item in that section, because I think it is a service we need very badly, not only in the big townships but in the smaller townships, and if for example there is no service provided by this Department I do not know what would happen in a small town I have in mind, Nanyuki, where there are a large number of Africans living in the African location and where the system of drainage is extremely bad. I spent two nights there not very long ago during my tour on the budget, and the inhabitants there were very bitter about the drainage system.

I should like to take the opportunity, in support of this Sub-head, to ask the hon. members responsible to look into the Nanyuki African township. It is a dreadful state of affairs and I should like something to be done to improve

[Mr. Mathu] the drainage and sewage of that township. In the African land units that is usually the responsibility of the local authority, but there is no African local authority in Nanyuki or in any other township in the settled areas. It is for that reason I think perhaps it may fall within the financial responsibility of the Public Works Department, and, with those remarks I should like to oppose the motion to reduce or delete item 215.

MAJOR KEYSER: Mr. Chairman, it is no use setting up a new department unless provision has been made for the capital expenditure. Could the hon. member tell us where that provision for capital expenditure has been made? I think I have missed it, if it is in the estimates anywhere. Is there any idea also that this department is going to be made revenue-earning in any way? Is it going to produce manures or fertilizer, or anything of that sort, and if there is no idea at present can consideration be given to that view?

SIR GODFREY RHODES: Mr. Chairman, this section is a planning section to begin with. Eventually, after plans have been prepared, then they will be put before this Council in the form of a works estimate in the usual way. The question as to whether it will become revenue-earning will also be gone into, and I think that possibly there is scope for that in conservancy charges and that sort of thing. At present, no specific work is included in the programme that this section will be dealing with, but there will be next year.

MAJOR KEYSER: Following up the answer given by the hon. member, do I then visualize that as this is only a planning section next year we must expect a very great increase when that spending section has become a constructive section as well? Or is this rather too big to-day for just a planning section? It must be one or the other, we cannot have the same organization that is going to plan and carry out the works.

SIR GODFREY RHODES: The executive side of the work will be carried out normally in all small works by the divisional engineer's organization as he already carries out other work for other branches normally. That is the procedure.

If there is any work of special importance it will probably be let out to contract, if not handled departmentally, but it is not anticipated that this section will require an executive branch for work.

MR. VASEY: Mr. Chairman, the debate on this item raises one particular point of principle. It has, I think, emerged from the speeches on the other side that in fact a lot of this work will be work which is of particular local application; ergo, the hon. Member for African Interests, Mr. Mathu, quoted the case of Nanyuki. If you put a drainage and sewage system into Nanyuki, you have paid for something of particular benefit to Nanyuki as a local area and, as I have said in this committee on many occasions, one of the things that the central body of the Colony has to deal with is the fact that we carry so many responsibilities which should be carried by the area to which the service is of local benefit. I would like to be assured by the hon. Financial Secretary and by the hon. Commissioner for Works that where a system is put in which is of particular local benefit and where there is a local governing authority, the cost of construction will be transferred to the local governing authority at the earliest possible moment and the cost the central revenue has borne in planning and development will not be forgotten.

MR. MATTHEWS: That, sir, is the policy and intention of Government.

MR. MORTIMER: Mr. Chairman, the suggestion of the hon. member will, of course, be borne in mind in respect of all municipalities and, indeed, is part of their normal undertaking. We are, however, in many cases dealing with comparatively small townships, and for the information of hon. members I would say that we are proposing during 1950 to institute a system of local rating in three townships in the Central Province—Thika, Nyeri and Nanyuki. That will be coupled with the establishment of a township account in which locally raised funds, together with Government contributions, will be paid, and from which local expenditure will be met. Speaking off hand, I think I should be justified in saying that any work done at Nanyuki on drainage and such matters will find a reflection in the rating charges made upon the local inhabitants. It should be

[Mr. Mortimer]

borne in mind by all hon. members that if services are undertaken for local communities of purely local significance, then it is only right that local communities who benefit by those services should be called upon to pay a proportionate charge to meet the cost of that installation.

LADY SHAW: Mr. Chairman, I wish to withdraw my motion, and in doing so I should like to congratulate the hon. Acting Director of Medical Services on his maiden speech. I feel it was a little unfair on him to have given him the opportunity on such a small matter, but I hope we shall hear him again at greater length later.

The motion was by leave withdrawn.

The question of the Sub-head was put and carried.

SIR GODFREY RHODES moved: That Sub-head (d) Water Supplies, be approved.

MR. VASEY: Mr. Chairman, I should like to raise one particular point on the group of water supplies that I raised at another point.

I was a little worried about the answer given by the hon. Special Commissioner for Works on the question of the total provision of reserves and renewals fund and loan service charges, and would like to ask the hon. Financial Secretary, whose duty it is to guard the taxpayers of this country, whether he himself agrees with the particular policy of total provision.

The second point on which I should like to raise a question is on the question of operation expenses. In the next item to be considered, 304, we have a renewals fund of £35,400. In items 256 to 295 we have a group of operation expenses on water supplies against which when we come to the revenue estimates we see a corresponding contribution from revenue. I would like, however, to be assured that in the assessments of the charges for these water services the renewals fund is taken into full consideration, because it seems to me that unless it is the figures of operation expenses are misleading in the first place, because no water supply can be operated without renewals and reserve fund being taken into consideration, and our revenue fig-

ure, as compared with our operation expenses, figure is misleading in the second place.

There is one other point, and the hon. Financial Secretary would perhaps answer this one too. When expenditure takes place from renewals, as given in item 304, is it vetted by the Finance Department, and is it limited to the particular water supply to which the renewals fund relates?

MR. MATTHEWS: Mr. Chairman, on the first point raised by the hon. Member for Nairobi North, I would say this, that I am personally in agreement with his proposition. I consider that a renewals fund is justified when the capital expenditure is met from revenue, but where it is met from a loan I consider that in general a charge to revenue for a renewals fund is not justified. However, there is one point on which we have to be careful. At present the general practice in this territory in regard to loan and sinking fund charges is to debit revenue every year with the statutory minimum contribution of one per cent. Of course, everything depends on the life of the loan, but in general that rate of contribution does not produce the total sum required as we have seen in the case of the 1928 loan. Consequently the question of whether that small amount is equivalent to the proper charge for a renewals fund will have to be considered. I have an open mind on this subject, but it is one I shall have to consider carefully during the course of my office.

On the third point raised by the hon. member, I think it was a question of whether expenditure from a renewals fund is vetted by the proper authority; that is to say, he asked if it were not just handed over and no more notice taken of what was done with it. I can assure the hon. member that any expenditure from a renewals fund is in fact vetted by the proper authority, that is the Treasury, and that it will continue to be so.

With regard to the second point, my information is that in calculating the rates to be charged for water the fact that renewals contributions have to be met is taken into consideration.

MR. HAVELOCK: Mr. Chairman, I should like to ask if the operation expenses of these water supplies—I notice

[Mr. Havelock]

that many of them are revenue earning. I am not talking on the principle raised by the hon. Member for Nairobi North, but many are not, and I feel that in the larger townships they should by now be revenue earning. For instance, Kikuyu water supplies cost £400 and the revenue is in the region of £120. I do hope the hon. Financial Secretary or the Commissioner for Works, whoever is particularly interested in the subject, will keep a watchful eye on this and see that as many as possible make revenue during 1950.

MR. BLUNDELL: Mr. Chairman, as I see the hon. Member for Agriculture is leaving the room, it might be an opportune moment to ask about item 301—I do not see any revenue from this item. For whom do we keep these channels open, and if for no one is there no corresponding payment? (Laughter.)

MR. RANKINE: I think the hon. Member for Rift Valley has seen his opportunity and taken it! (Laughter.) I am unfortunately not aware of the answer on that point, but we will get it from him.

MR. BLUNDELL: I should just like to say that if the answer is what I think it may well be, then I shall have much pleasure in moving the deletion of this item. Perhaps I shall have to wait till next year. There is a sevenfold increase this year, so I hope there will not be a corresponding increase next year.

MR. JEREMIAH: I think that this vote has been in the estimates every year, except that it has increased. Usually it is £100. The reason as far as I can see is that there are some new canals to be made. That is why this money has been increased. May I say the canals are very necessary.

The question was put and carried.

SIR GODFREY RHODES: Mr. Chairman, I beg to move: That item 304, Contribution to Renewals Fund, be approved.

The question was put and carried.

SIR GODFREY RHODES: Mr. Chairman, I beg to move: That items 305 to 321, Electrical Branch, be approved.

This Branch, as I explained in my introductory speech, has been transferred to the Public Works Department from the Postmaster General's Department. I

think there is one arithmetical error here, in item 306. It should read "2" instead of "1" assistant electrical engineers. The sum shown is correct, but I think there is a printing error.

MR. VASEY: On a point of order, can we accept the statement that there is a printer's error? Will it not be necessary, for someone on the Government side to move that the establishment figure against 306 of 1 be increased to 2? These, after all, are the printed estimates and, if passed as they stand, would limit the Government I think to one assistant electrical engineer, which is something which might well be greeted with cheers on this side but which is not the Government's intention.

MR. O'CONNOR: I was just going to suggest that we had better put the matter right in the way which has been suggested by the hon. Member for Nairobi North.

I beg to move that the establishment figure in item 306 be increased from 1 to 2.

MR. HAVELOCK: I should like to take this opportunity of asking whether the increase is necessary.

MR. O'CONNOR: That I cannot answer.

MR. HAVELOCK: No, but I understand that this has been transferred from the Posts and Telegraphs. I feel myself that for inspectorate work it is probably necessary to have a certain number of electrical officers under the Special Commissioner, but I am very doubtful whether we should set up, or continue to keep, a small department for construction work and installation work for Government buildings. Surely that could be better handled by private enterprise under contract?

Once again, I would express the same fears as regards this department as the sewage department, that is if you do have a department of this sort, or a division, there is always the danger that if there is no urgent work ready to be done, some job will be made for them, and some things that are not really necessary will be done in order to keep this department and the men of the permanent staff busy. I should like to hear from the hon. Special Commissioner why it is complete-

[Mr. Havelock] ly impractical, if it is so, to employ private enterprise on contract for installation work, apart from inspecting work.

SIR GODFREY RHODES: Mr. Chairman, this Branch of course has not yet come under my control, but naturally before accepting these figures I did discuss them very fully with both the Postmaster General, who has hitherto been responsible for it, and the Government Electrical Engineer who is in charge of the Branch. It is absolutely clear that at the present time it is not possible to get all the constructional work that we require for wiring Government houses and buildings done by contract. There are not the people here in the country in sufficient numbers to do the work. They are all fully employed on other private work in the towns. Moreover, it is impossible to get these contractors to go to the out-stations and smaller places where we have to carry out similar work. I am therefore entirely satisfied that it is both necessary and economic for us to do it in this way, and of course I can also assure the hon. member that so long as I have any influence over the Public Works Department, we will try to avoid keeping staff that is not required, or staff that is not going to be employed. I do not think the time is likely to occur in the near future when we will not have ample work for this Branch to carry out.

The question of the amendment to item 304 was put and carried.

The question of the Sub-head was put and carried.

SIR GODFREY RHODES: Mr. Chairman, I beg to move: That items 322 to 327, Care of Law Courts Building, be approved.

MR. NATHOO: Mr. Chairman, may I inquire from the hon. Special Commissioner why it is necessary to increase item 322 from £495 to £615 a year. (MEMBERS: Salary revision.)

The committee adjourned at 11 a.m. and resumed at 11.20 a.m.

THE CHAIRMAN: We were discussing items 322 to 327.

MR. PADLEY: In reply to the point raised by the hon. Member for Central Area, there has been a change in the holder of this post, and the scale is a

new scale laid down by the Salaries Commission. The present holder of the post was entitled to enter the scale at three points above the minimum, owing to war service credit, which is the usual agreement. I hope that is satisfactory.

MR. USHER: Sir, item 323. Could we have an explanation, perhaps, of what is comprised therein? I see there is the usual sort of increase—one has got to expect that in any case. Are there any numbers, or what does it mean, Sir?

SIR GODFREY RHODES: I think that is just the normal increase in matters of that kind. There is no change in principle at all. It is a £90 increase, making a total of £1,350.

MR. COOKE: As I was once a critic of how the Law Courts were kept I would like to say how much better they are kept now than they were two or three years ago. They used to be in a shocking condition. Now everything is clean.

The question was put and carried.

The question that Head 5 be approved was put and carried.

#### Head 6—Public Works Department Recurrent

SIR GODFREY RHODES moved: That Head 6 be approved.

The question was put and carried.

#### Head 7—Public Works Extraordinary

SIR GODFREY RHODES: I beg to move: That Head 7, Sub-head 1, Buildings, be approved.

MR. NATHOO: I would like information on item 4, "Asphalting Roads and Playgrounds—Government Schools." Will the Commissioner for Works please tell us which school this work is going to be done for?

SIR GODFREY RHODES: I am afraid I have not got that information with me, but I would be glad to give it to the hon. member afterwards.

The question was put and carried.

SIR GODFREY RHODES: I beg to move: That Sub-head 2, Miscellaneous, be approved.

MR. BLUNDELL: I want to raise one point on item 11, Motor Vehicles.

LADY SHAW: I want to raise one on one before.

MR. BLUNDELL: I give way to the hon. Lady!

LADY SHAW: I want to ask a question on this item of furniture, additional appointments, replacements in Government houses and offices. I see we voted £15,000 last year and £20,000 this year. Is it unspent? Is that a revote?

SIR GODFREY RHODES: This year's item will be fully spent and this is what is anticipated will be required for next year, owing to the large number of new buildings that are being erected.

MR. BLUNDELL: Item 11—I wanted to raise a question of principle. Before the war, generally speaking, Government officers provided their own motor cars and drew allowances. As a result of the war and due to the difficulty of getting vehicles, it became the practice to allot vehicles to departments on priority, which Government officers then used. Might we have a small statement from Government on what is the policy, because I am firmly convinced that the most economic use of transport is obtained when the officer uses his own vehicle and draws mileage or travelling allowance.

SIR GODFREY RHODES: Mr. Chairman, as far as my information goes it is still the general policy for officers to use their private cars on duty, and as you know officers are given advances to enable them to buy cars, but that of course has to be limited to people who can have the opportunity of using those cars to a reasonable extent. It would be quite wrong, for example, to allow a road foreman an advance to purchase a car and then find that he would not be able to use it continuously or even to a certain extent on his work, and furthermore, if he is transferred to another job, he might not be able to use it at all. So that we usually restrict the use of private cars to the more senior people who can and do use their cars on public duty. There are, of course, a number of staff cars of a smaller variety that are used on jobs, and a road foreman, or inspector of works may be allotted a car or van of some sort to enable them to carry tools or any spare plant of that kind for job to job. These particular vehicles for the electrical engineer will be lorries which we are buying, and they will then come

under the fund and any future replacements will come under Other Charges.

The question was put and carried.

SIR GODFREY RHODES: I beg to move: That Sub-head 3, Water Supplies and Drainage, be approved.

MR. JEREMIAH: A point of information on item 14—the estimated total cost of the scheme is £10,000 and the estimated revised total cost of the scheme is £26,000. Why is there such a big discrepancy?

MR. COOKE: I wanted to raise this point. The estimated cost was £10,000, then it went up to £26,000. I inspected this with Colonel Grogan the other day, and so far as I can see the dam is like a sieve at the moment, leaking not in one place but 200 places, and it looks as if the estimate will be a great deal more than £26,000 at the moment. I do not know whether the attention of my hon. friend has been directed to it, but the matter is serious, and it does look as if the responsibility is on Government to make this dam.

SIR GODFREY RHODES: Mr. Chairman, I have not had an opportunity myself of inspecting this work, but I have discussed it on one or two occasions with the hydraulic engineer. It is a troublesome job, a rather difficult job, which has been let out to contract. We are not awfully happy about the way the contractor is carrying out the work. I had not heard of any new troubles, such as those mentioned by my hon. friend opposite, but I will call for a report and go into the matter fully.

MR. COOKE: I think it really should be looked into at once, because it is in a deplorable state of leakage at the moment.

The question was put and carried.

SIR GODFREY RHODES: I beg to move: That Sub-head 4, Roads and Bridges, be approved.

MR. HAVELOCK: Just one point, Sir—Sub-head 4, item 3, Township Drains. I hope that the same assurances given by the hon. Financial Secretary as regards water supplies—the local community paying for them in the long run, to some extent—will also apply to township drains.

MR. MATTHEWS: My reply was couched in general terms, sir, and naturally the generality applies to this case as to others.

The question was put and carried.

The question that Head 7, Public Works Extraordinary, be approved, was put and carried.

#### Heads 8 and 8a—Office of the Member for Law and Order

MR. O'CONNOR: Mr. Chairman, I beg to move: That Head 8, Office of the Member for Law and Order, and Head 8a, Office of the Member for Law and Order Extraordinary, be approved.

The salary of the Attorney General has been transferred from the Legal Department to this vote, so that the net increase is £2,395 and not £4,545 as might at first sight appear. That increase is caused by the appointment during the year, with the authority of the Standing Finance Committee, of the Secretary for Law and Order, and I am extremely grateful to the hon. members who sanctioned that appointment. In accordance with the agreement which has been come to with regard to moving these heads I do not propose to do more than move the Head formally, but if any hon. member would like any questions answered I should be happy to answer them if I can.

The question was put and carried.

#### Heads 9 and 9a—Immigration Department

MR. O'CONNOR: Mr. Chairman, I beg to move that Head 9, Immigration Department, and Head 9a, Immigration Department Extraordinary, be approved.

Again I will not do more than move them formally, but I shall be glad to try to answer questions upon which any hon. member wishes to have further information.

MR. NATHOO: I am rising to say a few words on this department, because last year I had occasion to criticize some of its work. During the year it has been my good fortune to come into contact with the department in various capacities, and I have great pleasure in saying that the efficiency of this department has increased considerably, and I must congratulate the Member for Law and Order for getting into existence a department

which is working very very satisfactorily. (Hear, hear.)

MR. HAVELOCK: If I may be allowed to make a short comment on the policy of this department—I do not wish to start an argument in this committee—but a fact has come to my notice which worries me very greatly.

According to the 1948 census I note that of 52,000 Asian males (they are listed here as Indian males), 25,000 of these Asian or Indian males are under the age of 19. I feel that this has a very great bearing and should have a very great bearing on our immigration policy. I am extremely worried to know how we are going to provide employment for the Asian adults who will obviously, as proved by these figures, increase from year to year in searching for employment when they have left their schools. The hon. Member for the Central Area, Mr. Nathoo, did mention earlier on in this Council that the big Asian importers on the coast are cutting down their orders for supplies. That, I suggest, indicates that in the commercial world employment will not be available as it has been in the past. At the same time I remember an hon. member—I think on the other side of Council—has stated that the supply of Asian artisans was catching up with demand.

Those are all, to my mind, straws in the wind, and I am very frightened that within a comparatively short time we in this country may be faced with a very serious Asian unemployment problem, and I would direct the hon. Attorney General's notice to this particular aspect, and ask him whether he does not consider that the time has arrived, in order to benefit all present inhabitants of this country of all races, that very much stricter control of Asian immigration should be enforced.

MR. NATHOO: Mr. Chairman, arising out of the remarks of the hon. Member for Kiambu I would also voice that in the interests of the inhabitants—permanent residents—of this country, a very strict watch ought to be kept on the immigration, not only of Asian immigrants, but all immigrants, because it is in the best interests of the Colony that the people who have made their homes here, who have children growing up, should have an opportunity of establishing them-

[Mr. Nathoo] selves in various walks of life in this country. I would go one step further than the Member for Kiambu, and say that the immigration of all races should be restricted until such time as we know that the interests of the permanent established residents have been served, and that we do not need more people from outside.

MR. ERSKINE: I would like to support what the hon. Member for Central Area has said, and ask whether the Immigration Department appreciate the necessity of keeping very close liaison all the time with the Central Registration Office. In all countries in the world immigrants are watched very carefully, and great care is taken that they, the immigrants, at any rate, are registered and watched. I note that there is a big item for transport. I feel that probably some of this is due to the fact that it is necessary for the Immigration Department to go chasing after immigrants and watching them, when this should be done by liaison with the Central Registration Office. I would like some assurance that that is appreciated.

MR. JEREMIAH: Mr. Chairman, the figures given this morning about the immigrants into this country are actually alarming, and I am only wondering whether the expansion of this department is not indirectly the cause of increasing the number of immigrants to this country. I would suggest that item 4, Immigration Officers, should be reduced by £100, and item 8, Clerks (Asian), be reduced by £1,000. I beg to move this, as it appears to me that the intention of the department is to restrict immigration.

THE CHAIRMAN: It is proposed that item 4 be reduced by £100.

MR. O'CONNOR: Sir, I must oppose that amendment. The reason for the increase is an increase in the work of the department and it is quite apparent that the work must increase. For instance, one has only to look at the fact that during the past year an aircraft company has decided to make Naivasha the terminal point or a transit point. That entails, of course, an increase in the Immigration Department. We have managed to get round that to a certain extent by appointing a part-time Immigration Officer there,

but this is a growing country, and we are bound to have increases in the Immigration Department, if only to deal with our greatly increased tourist traffic which brings in dollars. Therefore I feel bound to oppose that suggestion.

I will deal with the other points which have been made by the hon. Member for Central Area, the hon. Member for Kiambu and the hon. Member for Nairobi South, on the part of the debate to which they relate. At the moment I am dealing only with the specific amendment to reduce these immigration officers in item 4.

The question was put and negated.

THE CHAIRMAN: I put the question that item 8 be reduced by £1,000.

MR. O'CONNOR: I must oppose it for the same reason.

MR. JEREMIAH: I put it for the same reason.

The question was put and negated.

MR. O'CONNOR: Mr. Chairman, the hon. Member for Central Area, Mr. Nathoo, was kind enough to compliment the department upon its efficiency, and to include me in his kind words. I fear that, though I should like to take some credit for it, the credit entirely belongs to the principal immigration officer and his staff, and I am very glad indeed that their efforts which have been continuous, I know, to show the public consideration and courtesy, are appreciated.

The hon. member went on to say that he would like a watch kept on all immigrants to see that an unemployment problem was not created here, and that the existing inhabitants of the country got a fair showing in the unemployment field. The hon. Member for Kiambu said that he was alarmed at the youth of the Asians in this country, and he feared that this might create a very severe unemployment problem in the future. I can assure both those hon. members that that aspect of the matter is very much present to my own mind. There is a watch kept on the immigrants of this country, and it is our aim, as I said on another occasion, to regulate immigration to the extent which the country can usefully absorb.

[Mr. O'Connor]

With regard to the youth of Asians, the question of Asian dependents of persons who obtain temporary employment passes—and that is mainly where the thing comes in—that has fairly recently been under consideration by the Government, and it is my intention to ask very soon that the question be considered again.

The hon. Member for Nairobi South said that there ought to be close liaison with the Central Registry, and that also has not escaped notice. We had a meeting a short time ago when some of the machinery connected with registration of persons was under discussion to secure that very thing. Now I ought to say that the Immigration Department, in addition to its purely immigration duties, has to perform certain other duties which I might call post-immigration duties perhaps; for want of a better word, and the main thing in that connexion that they have to do is to see that people who apply for temporary employment passes and are admitted in order to take up specific employment do in fact take up that employment and continue in it—(hear, hear)—because if that is not very strictly checked there can be, and has been in the past, a very big loophole indeed. That is partly the reason for the transport vote, to which the hon. member drew attention.

I think, sir, that those are all the points that have been raised so far.

DR. RANA: Sir, I want to know from the hon. Member for Law and Order, regarding temporary immigrants, who are being allowed in these territories, what will be the position of the children who are being born in this country and who have been admitted, because according to the immigration laws those children who are born may become permanent residents. May I know, sir, what is going to be the position of those children? Secondly, those who have been allowed to enter temporarily, either for employment or from the labour point of view, after how long will they become permanent residents? These questions have frequently been asked of me by various members of the public, but I have never been made clear. I would like to know what is the real position.

Regarding the compliments which have been paid to the member and his department, I join in them with other hon. members. I know in Mombasa, the port of entry, the immigration staff is very vigilant.

Regarding the exorbitant rate in the growth of children which the hon. member is worried about, I think that is the case all over the world. We can leave that to the future and see what the atomic bomb will do! At the moment it is quite simple in regard to this question to restrict immigration, and I think it is only fair that it should be done in the interests of the residents of this country.

I would like to draw the attention of this Council to one point. During the past five or six years we have been allowing the artisan classes greater scope due to the main capital works which are being built and which are going to be built. In the past we have been anxious to attract artisans of any sort. Now if you are going again to restrict immigration, I am afraid all this debate on the Public Works Department which has been going on will have been wasted. I would allow more to come in order that the work can be done. Their daily wage is reasonable and, after all, they are only coming on temporary work, and if you go on making very very strict control then you are stabilizing the future wages of the labour. I would suggest, sir, with certain modifications, that artisans should be allowed to come—it does not matter where they come from. For a few years we should allow them to come so there may be fair competition as far as the building market is concerned. If the immigration authorities have got full control they know what people have been allowed to come temporarily and who are permanent. These points which I would like to mention and draw the attention of hon. members to.

MR. O'CONNOR: Mr. Chairman, with regard to the point raised by the hon. member who has just spoken, the first question that he raised was a very large one and involves questions not only of permanent residence but of national status and the position of the parents of the individual concerned, and so on. It would be useless, and perhaps misleading, for me to attempt to argue it out, but if he would give me some specific notice

[Mr. O'Connor]

of the questions to which he wishes answers I will endeavour to answer in writing.

He next asked when temporary employment becomes permanent employment, or words to that effect; when a temporary employment pass permits an immigrant to become a permanent immigrant I take it that was what was meant. I may never, and probably never will, ripen into permanency that way. A temporary employment pass is intended to be for temporary employment, and the person concerned is intended to leave the country at the end of that employment. It is, of course, a fact that it sometimes does in certain cases give rise to an application for permanent entry and permanent employment, and that is then considered on its merits.

The hon. member went on to put up a plea for the admission of more artisans. Well, we do admit artisans much more freely than any other class of person on temporary employment passes, and that need is realized. But there will come a time if, in fact, there are not signs that it is already approaching, when the supply will catch up with the demand, and I think at that time, or even a bit before it, we shall have to cut down perhaps the freedom with which artisans are admitted, in the interests of the local African artisans.

The question was put and carried.

#### Heads 10 and 10A—Legal Department

MR. O'CONNOR: Mr. Chairman, I beg to move: That Heads 10 and 10A, Legal Department, be approved.

This vote shows a net decrease of £2,358, due to certain items which I mentioned before having been removed from this vote to the vote of the Office of the Member for Law and Order, including the Attorney General's salary. There is no significant change, and unless hon. members want me to say more about it I will merely move the approval formally.

I might, perhaps, be permitted to say that in this department we are working on a very bare margin. There is no margin for casualties; there is a continually increasing state of work and it may be necessary next year perhaps for me to ask for an increase. But none has been

asked for this year, and there is no significant change. It is actually more economic to have this department well staffed than understaffed, because if it is understaffed the result is that work has to be given out, and that is considerably more expensive than the employment of additional crown counsel would be if it has to be done to any extent.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I rise for the unusual purpose of congratulating the hon. Attorney General for having such a relatively small vote for what I know to be an enormous amount of work. (Hear, hear.) Due in part to the increasing lawlessness of this country in addition to the passion for legislation by every head of department, his work continually increases, and I think his department is an example to every head in running it so economically.

MR. COOKE: —

THE CHAIRMAN: The hon. Member for Mombasa.

MR. USHER: I merely rise to ask whether the hon. member can tell us when the revised edition of the laws is likely to be in our hands?

MR. COOKE: I thought when I rose that you had been confused between two members rising, Mr. Chairman.

THE CHAIRMAN: It was a photo finish between you and the hon. Member for Mombasa!

MR. COOKE: It may seem funny to suggest an increase in expenditure, but I should like an assurance from the hon. member as to whether in consequence of the back log of work that he and his predecessor had—and I raised this point last year—one legal draftsman is enough? I should have thought that two were necessary to catch up with the work as he says it is economical to have this department properly staffed.

MR. BLUNDELL: Mr. Chairman, on the point raised by the hon. Member for the Coast, legislation should not be made too easy. We do have a tremendous amount of it in this Colony not affecting the individual at all, and I believe the hon. Attorney General would agree with me when I say that legislation is easier for a head of a department in this country than in almost any country in the world.

[Mr. Blundell]

It is extremely difficult in England, where they are so cluttered up with legislation that there is little hope of a head introducing legislation. I think myself, although I associate myself with the congratulation, that the business of manufacturing legislation should not be made too easy.

MR. O'CONNOR: Mr. Chairman, may I begin by saying how very grateful I am to the hon. Member for Uasin Gishu for his very kind remarks, and to other hon. members opposite, and again may I hasten to pass them on to the hon. Solicitor General and crown counsel? (Hear, hear.)

The hon. Member for the Coast has asked whether one legal draughtsman is enough, and the hon. Member for Rift Valley has said that in his opinion it should not be easy to make legislation—with that last remark I agree from my heart. (Laughter.) It is, I think, or should be one's aim, it is my aim in so far as I have anything to do with it, to reduce the quantity of legislation and to improve its quality. (Hear, hear.) I am not in that casting any reflections upon my predecessors or upon this honourable Council through which all previous legislation has passed, but I feel that if legislation is not very carefully drafted it may not only defeat its object but cause an immense amount of trouble and waste of public money for years and years to come. I, personally, would welcome the suggestion that there should be another legal draftsman if and when I can put up a sufficient case for one. I am not going to do so now, because I think that with the very great assistance which I have had by the appointment of a secretary on the Member for Law and Order side I can carry on at present, but if I find that that is an essential I will come to my hon. friend the Financial Secretary and discuss that side with him, and I should be fortified in doing so by the very kind expressions I have had from the other side of Council. (Laughter.)

The question was put and carried.

MR. O'CONNOR: Mr. Chairman, I must apologize that I quite forgot to answer one question which was put to me about the date of revision of the laws. I do not know that this is specifically a Police

subject, which is the vote I am now about to move, but I will try and find an opportunity of answering it in the course of my speech on the Police.

With regard to that matter of the revision of the laws, I am informed that the hold up now is printing and indexing, and that several more months must elapse before that can be completed. I have not got a firm date, but I will try and get a better answer and communicate it privately to the hon. member.

#### Head 11—Police

MR. O'CONNOR: Sir, I beg to move: That Head 11, Police, be approved.

Last week, I think it was Friday evening, an acquaintance of mine asked me if we had finished the budget debate. (Laughter.) I said: "No, sir," and that what we had finished was the motion to go into Committee of Supply, and that we had just got into committee. Whereupon he said: "Oh, you have got into a huddle now, have you!" and he seems to me to have taken the point exactly. I do not think that a "huddle", if I might so call it without disrespect to this committee, is a suitable occasion for eloquence, even if I were capable of it, so I propose to be as matter of fact and factual as I can in introducing this vote and confine myself to facts and figures.

The total Police vote has increased by £77,210. The amounts are shown in the memorandum on pages 7 and 8, and if hon. members would be good enough to keep that memorandum open I should like to refer to the heads in that, one by one.

Of the figures at the bottom of page 7 of the memorandum totalling £77,210, £1,387 is made up by the vote for the Railway and Port Police, which is fully reimbursed by the East African Railways and Harbours. As that is fully reimbursed, I do not propose to say much about it. The significant increases are the £55,963 for Kenya Police and the £19,860 for Kenya Police Reserve. Of the £55,963 in the Kenya Police vote, the largest item is the £8,712 represented in paragraph (i) of page 8 and accounted for by a revision of the salary scales of assistant superintendents, police inspectors and assistant inspectors. That is due to salary revision and does not mean any increase

[Mr. O'Connor]

in Police establishment or effective strength. Deducting that sum of £8,712 from the £55,963 leaves an effective increase of £47,251.

I should like to take those items in the memorandum in order and to say a few words about each.

Under paragraph (a) on page 8 is "Establishment of an emergency company capable of dealing promptly with civil disturbances, £4,982". Put that way it is capable of giving an erroneous impression. We have not established a new emergency company. What we have done is to increase the establishment of the existing emergency company so as to permit it to bring into use, and to use, the vehicles and armoured vehicles it already possessed. I am not going here into details of the strengths of these vehicles and of the men. I think it would not be in the public interest to do so, but hon. members may rest assured that this does and will represent, when it is fully brought into effect, a substantial increase in the strength and effectiveness of the emergency company, and through it of the whole force.

The emergency company, as hon. members know, is trained as a mobile striking force. The men are trained to use automatic weapons and also to operate on foot. The force is fully mobile and can appear almost anywhere in the Colony at very short notice. In the unfortunate event of civil disturbance or breaches of the peace occurring, its use could be decisive and its mere appearance on the scene in time—and I hope it will always be in time—could, and I think would, act as a very effective deterrent to anyone who contemplated breaking the peace. I regard that increase as a very substantial advance towards security.

As an offset to the cost of increasing the emergency company and to the cost of increasing the Kenya Police Reserve, to which I will refer presently, we were able to cut considerably in other directions, namely by postponing taking over the policing of some of the reserves which did not appear to be so urgent as an increase in those two directions.

The next item to which I want to draw attention is item (b) on page 8

"Strengthening of the Traffic Branch, £1,035". Hon. members may recall that when dealing with the Police vote at the beginning of this year I mentioned then that there was a traffic squad consisting then of four assistant inspectors, three African sergeants and 44 constables. I then said that the services of an experienced traffic officer had been asked for and that it was hoped to secure him soon. I said further that I hoped that when he arrived it would be possible to do something on the important matter of the speeding of heavy vehicles. The services of an experienced traffic officer have since been obtained. He arrived at the end of April this year and he has already put into effect a considerable reorganization of the Traffic Branch. Various innovations have taken place.

Hon. members will remember that there was a traffic drive in Nairobi in March, which was not popular at the time, but I think has resulted in some considerable improvement in Nairobi traffic. That is by no means perfect, and, of course, it is a lasting problem, but I think it is true to say that there has been a considerable improvement and that, although that may bear hardly upon individual motorists (for whom I have, I must confess, some sympathy when they are held up for what they perhaps consider to be some trifling offence), the general effect is for the public benefit. It does speed up traffic and enables one to find a parking place somewhere when you are in a hurry. I think that the traffic superintendent is also to be congratulated on the arrangements which he has made to control traffic going over the Ainsworth Bridge. There has been a very considerable improvement there.

As soon as the vehicles which had been ordered from England began to arrive in fair numbers, the police were able to direct their attentions more outside Nairobi and to tackle the very important subject I mentioned just now, speeding of heavy vehicles. It will be remembered that I was asked about this topic at the last meeting of Council and I was rash enough to ask you to ask me again in two or three months' time. Well, I have had prepared before coming to Council some comparative figures of what has happened in those two or three months.



[Mr. O'Connor]

From January to September, 1948, the total traffic cases taken up were 7,834. The corresponding figure in 1949 was 9,293, an increase of 1,459 cases. That is traffic cases as a whole. As regards speeding by heavy vehicles, the figures are as follows. The number of prosecutions for speeding for the six months January to June, 1949, was 117. The number for the three months July to September was 140, more than double the previous rate. Most of the cases resulted in convictions. Comparing police activities in respect of speeding in August and September this year with those months of last year, the figures were: cases convicted, 1948, 47; 1949, 86. Cases acquitted, 1948, nil; cases acquitted, 1949, 3. Number of vehicles dealt with as not roadworthy, 1948, 25; 1949, 306.

Hon. members will observe that there were 93 cases pending in September in addition to the 86 cases convicted. In fact, there was such a number of them that special arrangements had to be made to deal with them. The average punishment is a fine, which varies considerably throughout the country, and in view of the serious nature of the offence it is a question whether a fine is sufficiently deterrent.

To sum up, I think hon. members will agree that there has been a very marked increase in activity in the Traffic Branch over the last few months, and that the results have started to be satisfactory. I will not put it higher than that. That, of course, will require continual and constant vigilance, as indeed does all police work.

The next item is paragraph (c) "Increases in the C.I.D., £2,800". That represents the upgrading of a senior superintendent to assistant commissioner and a superintendent to senior superintendent. That only entails an increase of £110. And there is an addition of two assistant superintendents, an assistant inspector (Asian) and a clerical assistant. The five Asian assistant inspectors are needed for record purposes. To my mind, the establishment of the C.I.D.—and I speak here as from a purely personal opinion—is barely sufficient, or insufficient I would say, for Nairobi, let alone for the Colony as a whole. We shall have to contemplate an increase in the C.I.D.

before very long—a further increase, having regard to the type and volume of work which has to be tackled by that department. We have got beyond the primitive stage of crime, and we are now encountering rather different types of crime in increasing proportion, such as a certain amount of commercial crime, a good deal of forgery (which I am glad to say has been checked latterly, but we had a lot of it at the beginning of the year), and continual burglaries, some of them ingeniously planned.

Those types of crime require prolonged investigation by particular officers who, should without continual interruptions and other calls, have sufficient time to devote to the investigation in hand. The present staff of the C.I.D. is barely sufficient, and it is probable that next year I shall have to ask for an increase. I do not say this in any critical spirit of the amount of finance which I have been allotted under this head. Every department, of course, has to cut down on what they consider is necessary and desirable, but we did give, as far as we could, a high priority to increasing the C.I.D. within the funds available.

The next item is an increase in the clerical staff. There is an increase in the clerical staff of 20 Asian clerks. The great increase in the establishment of the force requires increased clerical assistance, and I do not propose to go into that matter in detail.

The next item is the Police Training School at Nyeri, an increase of £2,710. That I feel is a matter which is of the greatest possible importance to the efficiency of the force. That school has carried out the most excellent work, and without it it would have been quite impossible to attain any standard of efficiency in a force so rapidly expanding as is the police force. I should like to say that I think that we are all indebted to the Commandant of the Training School and his staff for the very excellent results which he has produced. (Hear, hear.) I should like to give hon. members full details of what that school does and the courses which are held at it, but I must not take up too much of the time of Council, and if any hon. member will communicate with me I shall be more than delighted to give them more information with regard to the Police Training School. In June next it is pro-

[Mr. O'Connor]

posed to increase the length of the course—the ordinary recruits' course—at that school from six to eight months. Six months is a very bare minimum and, in fact, is not sufficient.

I mentioned in my speech on the previous motion—the motion to go into committee—that the Force was suffering as a whole from lack of experience, and that is so. Not even so efficiently run a training school as this can cure lack of experience, and that is a matter which time alone can cure. Time is absolutely necessary. But in the meantime I would ask members of the public not to expect impossibilities from harassed and inexperienced young police officers who have not been in the country long enough to get a background and the experience and local knowledge which is particularly necessary in police work.

The next item on page 8 is "strengthening of the Nairobi District Police", and, as I have dealt with that fairly fully on the motion to go into committee, I do not propose to deal with it again now except to say that it is absolutely necessary that the surroundings of Nairobi should be policed more closely, and that financial sanction has recently been given for a new police station at Langata and another at Kileleshwa, and for replacing unsuitable buildings at Tigoni, Gutunda and Githuguri. That should have a very good effect.

The next item is "Expansion of up-country services and the establishment of new up-country stations, including Hoey's Bridge Police Station, £2,933". That is part of the process of closer policing of up-country areas and of building police stations in areas where experience, has shown that closer policing is absolutely necessary.

I have already dealt with item (i), the revision of salary scales of assistant superintendents and police inspectors, and I come on to item (j) "Inclusion of certain allowances inadvertently omitted from the 1949 Estimates", of which I can give details if required.

I pass on to the subject of Kenya Police Reserve. As a result of an investigation carried out early in the year it was found that the then establishment of the Kenya Police Reserve would be insufficient to enable them to meet their

assigned tasks and to leave the Kenya Police free to cope with any duties which might fall upon them. A careful analysis was made throughout and it was decided to ask for an increase in the establishment of the Kenya Police Reserve from 1,600 to 3,500. There is first class material in this country, I am glad to say, for a Police Reserve, and it is a very economical way of obtaining a considerable access of strength to the Police Force, because you get someone trained as a policeman and able to act in relief of the Police in an emergency for what amounts virtually to the cost of a rifle and uniform. That is the most economical way, I think, in which the strength of the police can be improved. I am glad to say that the morale in the Police Reserve is good and that the recruiting has been excellent everywhere, except that we could do with more recruits at present in Nairobi.

I might say one word about the arrival of vehicles. It has taken a long time, to get the police vehicles, and of the vehicles ordered in July, 1948, 70 per cent have now arrived, but we are still short of 35 station wagons. Only 13 per cent of the wireless equipment has so far arrived. Dogs have continued to be trained and are proving their worth, I will not say anything more about the statistics of crime, which I went into fairly fully upon the main motion.

During this year the police suffered a great loss in the departure of their Commissioner, Mr. Ward. I feel that this country is indebted to him for the remarkable reorganization which he effected. (Applause.) I am glad to say that his work has been carried on in the same spirit by the Acting Commissioners who have acted for him.

Sir, this vote is a large one and it must be our task to see, so far as one can, that every penny of it is well spent, and that nothing is wasted. (Hear, hear.) I have now had about a year of contact with this Force, and I can assure hon. members that they are getting very good dividends for their money from the Kenya Police Force. I do not put forward for a moment that the Force is as efficient as it could be. Its efficiency will be increased, and that will be the constant preoccupation of the Commissioner and of myself, but I do say this, that the benefits of peace and security which you will get

[Mr. O'Connor]

from the power of this Force are worth many times over the amount of money which you spend upon them. Their power must never be misused, but with their help I confidently hope that we may be able to keep this country firm and steadfast in a world of shifting responsibilities and surrendered trusts.

If I might anticipate, rather rashly, the vote of this committee and thank members in advance, I would do so in the words of Richard Plantagenet, and say "Twas men I lacked and you will give them me. I take it kindly".

LADY SHAW: Mr. Chairman, I wish to refer to this question of the speeding of heavy vehicles which the hon. member mentioned. He did invite me to ask him a question in four months' time, and three of the four months has now passed, but I am not actually going to ask a question because I think he has already answered my question. I should, however, like to say that although those figures are very impressive it is, I think he will agree with me, only a start, because if you are unfortunate enough, as I am, to have to use some of these roads near Nairobi you will realize that for every one lorry or bus, or whatever it may be—heavy vehicle—which is caught and made to pay a fine, there must be innumerable heavy vehicles which are neither caught nor made to pay a fine, and they do still tear up and down the road. I am not—and I was not at the time I originally moved my motion—merely referring to vehicles driven by African and Indian drivers. In many cases the most classic offenders are the Army drivers, and I should like to express the hope that this improvement in the position will be continued and that the start so splendidly made will be continued and multiplied in a very impressive way before the next budget.

MR. NATHOO: Mr. Chairman, in associating myself with the remarks of the hon. Member for Law and Order about the traffic branch, I should like to say that, while there has been considerable improvement in the speeding up of traffic in the various areas, it is still noticeable that some of the points are not as efficient as they might be. Since the islands were placed in their present positions the position has become much worse on

account of increasing traffic. Particularly I refer to the island at the junction of Delamere Avenue and Sadler Street, where very great delay is caused to motorists during the rush hours. I should like to know from the hon. Member for Law and Order whether it is not possible at all these islands to have some lights for the crossing traffic, so that each section of motorists gets a fair chance of moving away. At the moment sometimes, due to the number of cars in one or the other direction, a considerable delay, lasting sometimes as much as five minutes, is caused to motorists.

The other point I should like to raise is the patrolling of areas in Nairobi. While there is a considerable improvement as compared with a few months ago in the foot patrols of *askaris* in the various areas, I think a considerable amount more patrolling should be done; as that, I consider, is a great deterrent to the prospective criminals in those areas.

MR. BLUNDELL: Mr. Chairman, I wish to delay Council just one minute on a small point. The hon. member opposite always speaks in such a dulcet and kindly manner that I feel a little diffident about slightly twisting his tail. Hon. members on this side last year had the temerity to suggest that sentences given by magistrates did not always encourage the police, and another reason why I am a little diffident about raising this is that I see the hon. member Mr. Patel looking at me, and, if you remember, he did not like the hon. Member for the Coast suggesting that we should tamper with the Judiciary! I am not suggesting that at all, but my hon. friend opposite last year in replying on this subject was good enough to say he would look into the question of whether when, in the opinion of the police prosecutors the sentences are not adequate, they could appeal. I should be most grateful if when he replies he will tell us in how many cases appeals for a change in sentence were brought forward by the police.

MR. COOKE: Mr. Chairman, I should just like to get one assurance from my hon. friend, that so far as possible the police are employed on their legitimate duties. I reminded my hon. friend that I was going to bring up this point to-day. This is an instance where I think there

[Mr. Cooke]

has been a certain misuse of the police. At the beginning of October there was a strike of taxi-drivers in Nairobi, and that coincided with the Tourist Conference in Nairobi. I noticed when I was driving through the town that there were a number of, I will not say a large number, but a number, of *askaris* in full uniform—that is with the scarlet cummerbund—directing traffic. I felt at the time that these men would be much more usefully employed in the African locations giving confidence to the Africans who did not go on strike. I know on high authority, on the authority of one who works a great deal in these locations, that at that particular time a lot of indirect intimidation was going on, and there were no *askaris*, or very few to be seen in the location, but there were quite a number rushing about the town in armoured vehicles and that sort of thing, but they were not, as you see them at home, standing at the street corner and giving confidence to the populace.

I think that in that particular case it was a misuse to use *askaris* dressed up in full uniform just to impress the tourists, and indeed if there had been no strike at all I personally think that 'eyewash of that nature is unnecessary. We should show the tourists what is our normal course of life in this country, and it is not normal for *askaris* to be in full uniform with scarlet bands on in the ordinary days of the week.

I should like an assurance, and I am certain the hon. gentleman will be prepared to give it, that so far as possible, there is not too much eyewash, and so far as is possible, not too much spit and polish. I know it is necessary for *esprit de corps*, but I think it would be a good thing if that what I call misuse of the police did not occur in the future.

The debate was adjourned.

MR. RANKINE moved: That the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. on Friday, 9th December, 1949.

#### Friday, 9th December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Friday, 9th December, 1949.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 8th December, 1949, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 67—1948 CENSUS

#### MAJOR KEYSER:

1. Will Government please say whether the Final Report on the 1948 census has been completed?

2. If the answer is in the affirmative, will Government please indicate when the report will be published?

MR. HOPE JONES: The Report on the Non-Native Census has recently been submitted to the Government and will be sent to the Government Printer after examination. It is a lengthy document and there must inevitably be some delay before it can be printed. The Report will be supplemented with certain additional information and statistical tables. An analysis of the African population by districts and chiefs has been distributed to all District Commissioners and copies of the figures are available on application to the Statistical Department. The Report on the African Census is likely to be completed about the middle of 1950, and the Final Report covering all races cannot be produced until this is available.

No. 68—ARAB AND SWAHILI HOUSING, MOMBASA

MR. SHATRY (for Mr. Salim, absent):

Is Government aware that the Arab and Swahili populations of Mombasa are living under extremely insanitary conditions of congestion, and that the present African housing scheme is of benefit only to the up-country immigrant Africans, while the original inhabitants have been left in their squalor? If the answer is in the affirmative what steps are being taken to remedy the situation?

MR. MORTIMER: Government is aware that much of the present Arab and Swahili private housing in Mombasa is

[Mr. Mortimer] far from satisfactory and is badly congested. The existing African housing schemes cater for the Coast tribes as well as up-country tribes in the proportion of approximately 1:4 but do not cater for Arabs. (Actual figures: Coast 282, up-country 1,564.)

The Committee of Inquiry which recently sat under the chairmanship of Sir Howard Elphinstone has put forward a number of far-reaching recommendations for the housing of the Arab and African population of Mombasa. These recommendations are, at present, being considered by a sub-committee of the Executive Council, and it is not yet possible to make any statement as to the steps which will be taken to remedy the situation.

No. 71—ARAB INSPECTORS OF POLICE.

MR. SHAIKY (for Mr. Salim, absent):

Will Government please state how many Arab Inspectors of Police are serving in the Police Force? If the answer is a negation, will they state the reason why?

MR. O'CONNOR: Seven Arab Inspectors and Assistant Inspectors of Police are serving in the Police Force.

MR. COOKE: Arising out of that answer, is it not a fact that more Arabs would be welcome, because they are very intelligent?

MR. O'CONNOR: I think Government would welcome intelligent recruits to the Force, certainly. (Laughter.)

MR. COOKE: I asked if it would welcome more Arabs to the Force.

MR. O'CONNOR: The answer to the hon. member's question is "Yes, sir". He combined, I thought, his supplementary question with something to do with qualifications to do with intelligence, which I heartily endorse. (Laughter.)

No. 79—MOMBASA ISLAND DAIRIES

DR. RANA (for Mr. Patel, absent):

Will Government please state:

(a) When it is intended to remove the dairies from Mombasa Island?

(b) If they are aware that the Medical Officer of Health, Mombasa, will not allow the new Indian Elementary

School when completed to be occupied until the dairies in close proximity are removed and, if the reply is in the affirmative, why urgent steps are not taken to remove these dairies?

MR. MORTIMER: In reply to question (a) it is intended that the dairies near the site of the new Indian Elementary School will be removed from Mombasa Island as soon as an alternative site can be secured and a scheme can be prepared by the Municipal Board of Mombasa for their re-establishment on the new site. Serious difficulty has been experienced in finding a suitable site, but it is now believed that with the co-operation of the East African Railways and Harbours Administration, a solution of this problem has been found. Negotiations are practically completed.

As most of the dairies are sited on land held on temporary occupation licence, it will be possible to ensure the evacuation of the land almost as soon as the alternative accommodation is available.

In reply to (b) Government is aware that the Medical Officer of Health has expressed his unwillingness to allow the school, when completed, to be occupied until the dairies in close proximity are removed. It is hoped, however, that his objection will be withdrawn when he is assured that active measures for the removal of the dairies are being taken.

### COMMITTEE OF SUPPLY

#### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

#### Head 11—Police

The debate was resumed.

MR. OHANGA: Mr. Chairman, before the member rises to reply may I raise a very small point in this Head—item 30, Family Separation Allowances. I deal merely with this as a matter of principle. It will be noticed that the sum of £1,900 has been provided as an allowance for the families of (i) N.P.D. and Turkana (ii) Police in Native Reserves. I suggest that this form of allowance is undesirable and I am not quite sure that the authorities really think that it is desirable. If they do I would like an explanation as to why it is not applied generally, because

[Mr. Ohanga] these places to which certain officers are sent who can claim these family allowances also cover certain members of the police force who do not draw that allowance at all, and I should like to ask that this particular item be deleted.

MR. O'CONNOR: Might I explain a difficulty. I could not hear the number of the item to which the hon. member was referring.

THE CHAIRMAN: Mr. Ohanga is situated most unfortunately in this Council, as being farthest away from anybody in the place. It is very difficult to hear him unless he is very very careful in his speaking.

DR. RANA: I rise to support the motion by the hon. Member for Law and Order, but I would like to suggest and draw his attention to one or two matters regarding the Mombasa police force. As you yourself are aware, sir, as it has been the practice in the past, Mombasa always takes the third place in anything which is allocated in this Colony. It is a shame, of course, but the fact is there. Lately there have been assaults about 7 o'clock in front of Government House, Mombasa. There are always people standing behind the bushes trying to dispossess passers-by, whether a lady or a man, of all they have got. One Indian lost nearly Sh. 1,000. Another professional gentleman was involved. I am not blaming the police. The police are doing all they can, but they are always handicapped by lack of staff, and I would request the hon. member that he take into account that Mombasa, whatever it may be, is a very peculiar place, that we have got such a mixture of all sorts of people both from the labour point of view and various activities. I would request that the number of the police should be increased there, not only with a view to avoiding robberies and assaults and thefts, but even in the case of any tricks, or other undesirabilities. Mombasa is a vital part of the Colony—a big port.

Secondly, it is not only the general police, but I would also ask what the traffic police do. Lately Mombasa has been having a tremendous amount of cars, as you know, like any other part of the Colony. We have got Mackinnon Road, a military base, and actually the number of street accidents is on the in-

crease. I would suggest that whenever an allocation is made that Mombasa be not forgotten, as it has been in the past.

MR. MATHU: I think my hon. friend and colleague wished to move a motion of deletion, deleting item 30, and the reason I think was that he had the impression that these separation allowances—

THE CHAIRMAN: I have asked so many times for an amendment to be put into writing and brought to the table. If I have missed an amendment I cannot be held responsible.

MR. MATHU: I will write it down.

I move that Item 30 be deleted.

MR. COOKE: Could we be told the reason why it should be deleted?

MR. MATHU: The impression, sir, is that family separation allowances for police officers stationed in the Northern Frontier District do not apply to African officers. That is the impression, and we wish, actually, as a formal protest, that if this item is not deleted and is included that the separation allowances should be extended to all of the police officers stationed in those areas, irrespective of race, because an African police officer from, say, Central Nyanza, stationed in any part of the Northern Frontier District, does not take his family with him. He leaves his family behind, and it is reasonable that he should receive allowances to support his family in the Central Nyanza District while is serving in the Northern Frontier District, and that is actually why we suggest that this item be deleted.

THE CHAIRMAN: It is proposed that Item 30 be deleted.

MR. O'CONNOR: I understood that it was the hon. member's intention to propose that sub-item (i) of 30 be deleted. Is it the whole item or only (i)?

MR. MATHU: It is both items, because they come under family separation allowances.

MR. O'CONNOR: I must oppose the deletion of these items. These allowances are for European police officers serving in places where it is impossible for them to take their families, and the allowances were sanctioned by the Standing Finance Committee after a full inquiry. It seems

[Mr. O'Connor]

that the object of the hon. member in moving the deletion of this item is not that he objects to the allowances, but he wishes to have them extended to police of other races. If that is the object that suggestion will be considered, but I suggest that it will not be attained by deleting this item, and I therefore oppose.

MR. COOKE: On a point of order, are we on policy, or are we getting down to items?

THE CHAIRMAN: I have an amendment to an item and I must put it. The main motion is to approve the whole Head. This is an amendment to the main motion, and I must put it.

MR. COOKE: I asked in case someone wanted to raise something prior to that. I do not know if anyone does.

THE CHAIRMAN: They should have stepped in earlier, that is all. We had this difficulty on the Secretariat vote, and I suggested then that people who wished to move earlier should move earlier.

MR. COOKE: I think the hon. Member for African Interests was speaking on policy, and the hon. member replied not realizing that position.

THE CHAIRMAN: We had a debate on policy which lasted four days.

MR. O'CONNOR: I did think at first that the hon. Member for African Interests was speaking on policy, but the hon. member Mr. Mathu then got up and moved a specific amendment with which I had to deal, as an amendment to an item.

MR. MATHU: Mr. Chairman, I agree that this provision came up before the Standing Finance Committee, and members of the Standing Finance Committee will remember that I opposed this and actually made a definite recommendation that African officers stationed in these areas should also be considered in the question of family allowances, because a family is a family—the name applies to all races—and at that time I protested at the discrimination in this matter. I have given an example of a police officer from Central Nyanza, it might be from the Kipsigis or Mau Summit. Surely the climate is different, and they take their families with them; but in view of the suggestion by the hon. Member for Law

and Order that this matter will be gone into, and the possibility of extending these allowances to African police officers in these areas be considered on those grounds. I would be happy to withdraw my motion.

THE CHAIRMAN: I take it that the committee agrees that the motion be withdrawn.

The motion was by leave withdrawn.

MR. HAVELOCK: Mr. Chairman, speaking on the main motion, I merely want to ask the hon. Attorney General whether he is satisfied now with the situation as regards prosecutions in the courts. I realize that he has been making efforts to have policemen trained as prosecutors. Will he tell us the position—how well and how many have been trained, and what the future holds in that direction? I understand from the public that many people are yet dissatisfied with the situation as regards prosecutions in the lower courts by policemen.

MR. VASEY: Mr. Chairman, I would like to ask one question for information under Head 28, a general head, Administration General Staff. There appear items of tribal police amounting to some £35,000 to £40,000. I thought, sir, we were gradually moving to the reserves being taken over by regular police and that this would be a gradually moving item into the police vote. I do feel, however, that even though it remains as tribal police, in order that the full cost of the police in the country should be shown, there should be some method of including this in the Head we are now discussing, and I would ask that Government should consider that point and make a statement on it at some future time, if they cannot do it now.

MR. USHER: I should like to lend my support to what my hon. colleague Dr. Rana has said about the need for traffic police for Mombasa. The confusion is getting greater and we do need them. I am sorry, but at the same time I do feel that I ought to repudiate what he imputes to the citizens of Mombasa in the way of lawlessness.

DR. RANA: On a point of order, I never said citizens are lawless. I can assure you I never meant that—I am one of them and I think I am quite all right!

MR. USHER: Perhaps it will be sufficient for me to say that whether by

[Mr. Usher]

reason of the good example set by the leading citizens of that blessed island, or by nature of their happy disposition, a law-abiding spirit does in fact prevail.

May I, before I sit down, say how much I was impressed by the learned Attorney General's peroration yesterday, when he thanked us in advance for acceding to his request for what I believe is called personnel. I would merely say that I hope, now that he has or shortly will have what he requires, he will not feel the progress of the country requires that the personnel should progress in direct ratio thereto, but might I refer to the remark made by Westmorland to King Henry V, when he said that he hoped that one ten-thousandth of those people in England could be present for the great battle, and may I also refer to the answer that the King gave: "The fewer men the greater share of honour!" (Laughter.)

MAJOR KEYSER: May I ask the hon. Member for Law and Order, when he was discussing the reference to the Police vote in the memorandum he referred to the expansion of up-country services and the establishment of up-country stations, including Hoey's Bridge police station. Is it a fact that some of the efficiency of these police stations is impaired by the lack of telephones, and could he tell us what is being done to supply these stations with telephones? I know there are some stations where it was considered urgent some months ago that telephones should be immediately supplied, and they have not been supplied yet.

MR. PRITAM: Mr. Chairman, I would like to have some explanation about the increase in item 13 from 8 to 9 inspectors, and I would also like to know the exact duties of these officers. Last Friday we were given elaborate figures and facts and statistics, convincing us that crime was on the decrease. It may be so, if the whole picture is taken into consideration, but so far, even where the residential areas of Nairobi are concerned, I say crime is certainly on the increase. A man dare not leave his house alone after 7.30. If he does it he returns minus his clothes. There are certain areas—River Road, Canal Road, Park Road, Forest Road—mostly where Indians reside, where anyone who is daring enough can try and see things for himself. In 1946 and 1947 I was always hoping certain things would

be done, and during 1948 I did not say so publicly but I thought something would be done, but unfortunately it will not be for a number of years. We talk, talk, talk in Legislative Council, yet nothing happens. I really wonder if it is worth while speaking at all.

I think there is something fundamentally wrong with the methods of detection of crime. Everyone knows that River Road is the headquarters of all sorts of criminals. You find gambling going on without a break for 24 hours. Everyone knows it. Fancy the police do not know it. I would never admit that it is only the African who is engaged in crime. It is not only the African at all. Crime has become so organized and so skilled that unless there was something other than the African element it could never happen. I know from certain information that certain non-Africans hire Africans to commit the crime, and it is not the African element who actually benefits from the receipts of this stolen property. Day after day we hear things are stolen. There are quite a number of people, decent people who know who are the receivers of these stolen goods, but unfortunately the only people who do not know are the police.

I discussed the matter of gambling with Mr. Pugh (a police officer) before he went on leave, and he said that certainly the police cannot be blamed—if anyone can be blamed at all it is the laws of the country. I think the time has come when our learned Attorney General should give serious attention to this aspect of the matter. If the present laws cannot stop gambling we must take the law into our own hands, because I honestly believe it is these gambling dens which are the factories that manufacture criminals. People are attracted by quick gains. They go to these places, then they lose everything and thereafter they go to crime.

The amount on the police vote has reached dreadful figures. It is something of the order of very nearly £900,000. It is very nearly one-tenth of the total budget. All three races get that much, I should say, for education. If to this amount for Law and Order is added £300,000 for prisons and reformatories, then the amount is known to be exactly £1,167,980. Can we really afford this colossal sum year after year? I do not doubt that I shall be classed with those

[Mr. Pritam]  
who, in the language of the hon. Member for the Coast, are known as "dismal Jimmies"; but in a small country which has only one industry—that is, agriculture—if year after year these votes are increased, who is going to pay in the end? The farming class. It can only be done at the cost of the farmer, so it can never be done. We have reduced the police to the minimum without danger, but the time is not distant when we will have to review these figures.

With these words I support the motion before Council, but I do draw this to the attention of the hon. Attorney General and ask him to do something about the complaints in the Indian residential area.

MR. MATHU: One general question to the Member for Law and Order. The question is just to ask him to give us a short background to assure us that the training of African policemen will be improved. It is hoped that the training school at Nyeri will still further improve the standard of the African policeman to equip him to carry out his duties more efficiently, but there is one problem, sir, which the African is asking about almost every day.

When an African policeman retires he goes back to the native land unit to settle there, but his standard of life goes right to the bottom. He is actually the highest in the police service in the economic structure of the community and he is actually lower than any person that has ever been outside the native land unit. If you look at Kitui and Machakos districts in particular you find people there who are really setting an example to the rest of the community. The African policeman is not one of them. He is usually the poorest type, and the inertia he displays in the native land unit is deplorable. Is there something wrong with the training, or what is this due to? Is it possible the salaries are not up to the standard or recommendations of that committee which improved the salaries and standards of policemen? We fail to understand why this is the case, and the African is asking that question every day.

It is true that there is no difficulty now in recruiting African policemen, but if this state of affairs continues and there is a wide gulf between the standard of Civilian Africans and the Africans who

have been in the Police Force, I am quite sure a lot of African young men will think twice before they are recruited into the Police Force. It may not come for 10 or 20 years, but if this state of affairs continues it will certainly come, and we may be faced with the difficulty of finding first-class men to come into the police force. Why is this the case? Can the hon. member say what this is due to?

MR. DAVIES: One of the hon. members opposite asked the question as to why, when we are considering Head 11, Police, items for tribal police appeared under Administration, Head 28, and asked that somehow the two might be put together. I would like to say a word or two on that, if I may.

Police are being moved into the native reserves in increasing numbers. Tribal police are still there and will have to be still there, I think, for some time. We are endeavouring to reduce their numbers where we can, but I think it must be plain to anyone with experience in the native reserves that the work of these two bodies is not always the same. In the earlier days the work of tribal police was largely the maintenance of law and order, the carrying of messages and so on, and they were the executive arms, the junior executive arms of Government. To some extent they still are, and they are increasingly so, to the extent that Government is taking more and more part in all kinds of activities of the ordinary man, which Government used not to do. I refer to the many many things which are included in the African District Council Bill, for instance, now before the House, I think in clauses 21, 22 and 23. There are extremely varied activities which Government is now taking on in the native areas, which it used not to do, and for which its junior executives are to a certain extent tribal police, who may become chiefs and executives of chiefs.

Before these native areas were opened up, and opened up to the enormous extent they are opened up now, particularly places like Nyanza, crime was, I am sorry to say, not so frequent as it is now—crime on the lines of theft and so on. I am sorry to say there is an increase with this opening up process, because unfortunately sophistication, which unfortunately seems to be a sign of the times, does also involve crime. The sort of crime you are beginning to get in the native reserves is

[Mr. Davies]  
the sort of crime that requires trained policemen to investigate and look after, and for that reason it is essential that we have trained police in the native areas where discipline is required. But tribal police who are, as I was trying to point out, a different body with different training, who are not particularly trained to investigate crime as such, are still required, though we are trying to reduce their numbers where we can.

MR. VASEY: Mr. Chairman, I think the hon. member has to some extent misunderstood the purport of the question. It was merely a suggestion to Government that to give us a clear picture in future they should show the tribal police vote in conjunction with police expenditure; that was all.

MR. MATTHEWS: In reply to the hon. member's suggestion, I will say that Government is quite prepared to consider such a procedure.

MR. O'CONNOR: Mr. Chairman, I will try to reply to the points which have been raised; some of them I can reply to without difficulty, others raised rather large questions upon which I should have been glad to have had some notice. In particular, the question raised by the hon. member Mr. Mathu.

The hon. Member for Ukamba asked yesterday that the vigilance with regard to traffic offences should be maintained, and I can assure her that that is our intention.

The hon. member Mr. Mathu advocated traffic lights for Nairobi. That is very largely a question of finance, as traffic lights are extremely expensive to install. I will, however, have the question considered by the traffic branch, and if it does not seem to be altogether out of the way in expense I will ask the hon. Financial Secretary to consider it.

As regards deterrent sentences and appeals against sentences, the point raised by the hon. Member for Rift Valley, he referred to the debate in the early part of this year and to some words which I spoke. That was in answer to an interpellation by the hon. Member for Trans Nzoia, who said that surely my department had the right of appeal in cases of inadequate sentences. The Crown has not the right of appeal in cases of inadequate sentences, unless the accused appeals

against his conviction, when the whole thing is thrown open. What the Crown can do is to apply for a revision, and to ask that the sentence be enhanced on revision. That has been done in a certain number of cases, but there is a principle which has been laid down by the courts which is very apposite in that matter: "The court has repeatedly laid down as a general principle that it will not interfere with the discretion exercised by subordinate courts in matters of sentence unless the sentence appears to it either manifestly excessive or patently inadequate or that there are indications that the magistrate has overlooked some essential matter". When that principle is applied the number of cases in which sentences are enhanced is naturally reduced.

The next point made was with regard to the misuse of police, and that was made by the hon. Member for the Coast. As far as I recollect, he asked for an assurance that the police would not be misused and that there would not be too much spit and polish, and he cited as an instance of misuse of the police their use on the occasion of the international conference on tourism. The facts are that during the opening ceremony of that conference, one assistant superintendent of police, two sergeants, and 25 police were on special duty for crowd control and traffic duties for a short period, during which a military guard of honour was inspected by His Excellency the Governor, who opened the conference. Those extra police were withdrawn and their places taken by the usual two traffic constables who do their duties when nothing of unusual importance is happening, unless the hon. member will include a meeting of this honourable Council!

It is true that some police were in ceremonial attire, and the questions which arise are two: whether that was a misuse of the police (a) having regard to the fact that a transport strike was in progress, and (b) anyhow, I rather gathered from the remarks of the hon. Member for the Coast that he thought it was a misuse of the police to dress them up. I do not regard it as a misuse of the Police Force to direct traffic and make special arrangements for an international conference to be opened by the Governor of this Colony. (Hear, hear.) I think it is a case where a little spit and polish is fully justified.

MR. COOKE: Come back to the strike.

MR. O'CONNOR: I am. It was a ceremony, and I think ceremonial dress was justified.

The next question was whether, having regard to the fact that there was a transport strike, that was misuse of the police. I think the point is, should the previously concerted arrangements made to welcome the conference and pay honour to His Excellency have been cancelled because of the transport strike? Having regard to the fact that the police were occupied for so very short a time, I think it would have been quite wrong to cancel this preconcerted arrangement, and I am not prepared to subscribe to the idea that we should be so knocked off our perch by the occurrence of a transport strike. (Hear, hear.) (MR. COOKE: What comes first, law or order?) Certainly if law and order had been in any jeopardy I would modify my opinion, but there was no suggestion that law and order were jeopardized.

MR. COOKE: On a point of order, I did point out that the native locations were understaffed by the police and direct intimidations were going on—that is my point.

MR. O'CONNOR: I do not agree to that point either. The law and order position in the native locations at the time was, in my submission, covered as fully as it could be. The extra 25 or 28 police would have made no difference to that. The police stations which served these locations were not drawn upon, and during the day and the opening ceremony patrols of police were in the native locations and the mobile police patrols were there for 24 hours out of the 24. I think the proof of the pudding is in the eating, that there was in fact no disturbance.

MR. COOKE: On a point of order, I saw a superintendent of police that day, and he himself took notice of my complaint and said it would be rectified.

MR. RANKINE: What is the point of order?

THE CHAIRMAN: It is not a point of order, it is a normal interruption. (Laughter.) The hon. Attorney-General most courteously gave way, but there was no point of order.

MR. COOKE: Well, point of explanation if you like.

THE CHAIRMAN: I have nothing on which to rule. I have said many times regarding interrupting a member in possession of the floor that it is necessary to catch his eye and get him to give way. That is the manner in which it is done. It is no good intervening on a point of order or explanation unless. (MR. COOKE: The hon. member gave way.) I agree.

MR. O'CONNOR: I give way to the hon. member as I always do, because what he says is always worth listening to. (Laughter.) But I just want to make it plain that upon this matter we are in disagreement. I cannot agree that in fact any damage to law and order was done, and I say that the action of the police in proceeding with their previously concerted arrangements was justified. I do think that if we had withdrawn that special force needed for traffic control and traffic had got out of hand on an occasion like that, we should have had a bad advertisement throughout the world, having regard to the nature of that conference.

The next point was made by the hon. member Dr. Rana, who complained of assaults made on persons in Mombasa and asked for an increase in the strength of the police in Mombasa. In answer to a question, I have already said that the police have been under strength in Mombasa and have recently been brought up to strength, and I hope that will have the necessary result. If it does not, then most certainly we will give attention to a special increase of police strength in Mombasa. On that point, may I suggest that the hon. member Dr. Rana and the hon. Member for Mombasa get together as to whether the number of men should be few or many? (Laughter.)

As regards the point made by the hon. Member for Kiambu, who asked if I was satisfied with the position as regards police prosecutions. Well, I am not satisfied with the position, and I think it is far too early to be satisfied, I am satisfied that we are doing what we can to remedy the position and to train prosecutors. I cannot give him at the moment the exact number who have been trained, because my information is about two months old, and I should like to bring it up to date, but I will give it to the hon. member later if he asks me. I have already pointed out that the percentage of prosecutions and convictions is something like 84 per cent,

(Mr. O'Connor)

and that is a high figure, so that the prosecutions are not so bad as they are sometimes considered to be.

The point the hon. Member for Nairobi North made about tribal police has already been dealt with.

The hon. Member for Trans-Nzoia raised a question about telephones in up-country police stations. I think he is aware that I have made representations on the subject before, and I will certainly make them again. There is, of course, a great shortage of apparatus, but I have represented that telephones in police stations should be given a very high priority indeed, and I will so represent again.

The hon. Member for the Western Area made a point regarding the policing of Indian areas and crime in those areas, which he said was on the increase. The position with regard to crime in Indian areas has recently been having very serious attention, and certain steps have been taken which I believe have resulted in an improvement, but it is much too soon to say that definitely. As regards the question of receivers which he mentioned, he said the only people who did not know they were there were the police. May I point out, that it is a very different thing to know, or think you know, who the receivers are and to be able to bring it home to them in court? If the hon. member has any information which would help in bringing home to the receivers their crimes in court, I wish he would give it to me privately after this session. (Hear, hear.) (MR. COOKE: It is not so easy.)

The hon. member said it was not safe to venture out after dark, and that anyone who did so was liable to return without his clothes. Sir, I could not quite see the connexion between that and the fact that I thought the hon. member's speech was made on an item which dealt with an increase in the number of female inspectors! (Laughter.)

The hon. Member for African Interests (Mr. Mathu) raised a point with regard to the African policeman's status and means when he retired from the police and returned to the reserve. I take it that must mean that he considers the police pensions or the gratuities to African ranks are insufficient. If that is so, it is rather a large subject to raise on a snap question, and if the hon. member wants

that point raised I would ask him to put down a motion and let us have it properly debated with facts and figures. I do not feel able to answer a question put to me in this form.

I think I have now replied to all the points which were made in the debate.

MR. VASEY: Just one small point. On the question of traffic lights, surely the installation of traffic lights is primarily a responsibility of the Local Government Authority? I suggested some considerable time ago in the Nairobi Municipal Council that traffic lights should be so installed, and I suggest that, as they are one of those services which will be of most benefit to the local people only, central revenue should pay no more than a share towards the cost. Central Government should not bear the entire cost. I should like that expression of opinion to be noted by the hon. Member for Finance—in support of him for once!

MR. BLUNDELL: Arising out of that, would not the same apply to traffic lights in Nairobi?

MR. VASEY: Had the hon. member been listening to what I said he would have known I referred to Nairobi.

MR. PRESTON: Mr. Chairman, I should like to ask the hon. Member for Law and Order if consideration has been given to enforcing the carrying of lighted lamps during certain hours in certain areas—obviously not where street lighting is provided—and whether in his opinion that would assist the police or not.

MR. OHANGA: Mr. Chairman, I should like to ask a question about item 72 on page 51, Arms equipment and ammunition. May I move that this item should be reduced by £1,000? There is provision made for 1950 for £10,290.

My reasons for moving the amendment are these. It seems to me that the maintenance of law and order is so very important that, if you are going to ensure it, we must always have the public with us, and in view of that tremendous fact I should like to say that occasions have arisen which made it necessary for the police to arm themselves almost to the teeth. The whole situation is very military-like and the police, who should be a peaceful force, maintaining the forces of peace, more or less tend in their

[Mr. Ohanga] actions, particularly in dealing with the Africans, to show too much force to ensure peace. This whole sum has been put aside for arms, equipment and ammunition.

During the debate moving this Head the hon. Member for Law and Order did say that he intended to have a striking force, or to maintain a striking force, that was armed and ready to deal with a situation when and where it arose. I should like to submit that where you have a community and public armed and always ready to attack and so on, that kind of striking force is necessary, but where you have a community largely unarmed, and although they may have ways and means of doing damage to the peace and order of the country, usually they are not sufficiently armed to require this tremendous force. I say this vote ought to be reduced and the whole of the equipment of the police with regard to arms and ammunition should not be increased so much because I do not see the need for it.

The police carry guns and ammunition in Nairobi and all over the country. Sometimes constables have been quite ready to use these guns, with no regard at all for what is at the end of the gun. It may be a human life, but he does not really think that there is anything worth thinking about twice before that action is taken. I do not know whether it is the policy for somebody as low down in the rank and file of the police as a constable to be able to decide for himself whether to fire or not at a human life. Should not that power be left with some higher authority who should be able to exercise discretion in so important a matter as people's lives? I beg to move the amendment.

MR. VASEY: Mr. Chairman, I rise to oppose this amendment, and at the same time to regret that it has been found possible in a chamber of this kind for aspersions to be cast, as they have been cast, upon the African constable and his right to defend himself against the violent criminal. (Hear, hear.) When one sees in an area such as Nairobi some 57 per cent, I think the hon. Member for Law and Order quoted, of the crime of the country taking place, and when one sees what can be nothing more or less

than deliberate attacks upon the African police constable to terrify the police into not fulfilling their duty, then it is in my opinion the right of the Government and the duty of the Government to arm those police until the criminal learns that who lives by violence shall die by violence. (Applause.)

MR. MATHU: Mr. Chairman, in order that there should be no misunderstanding on this matter, my hon. friend made it very clear that law and order must be maintained. He and myself, and many of the African people of this country, are afraid of this tendency towards a police state, because many hon. members here have opposed the question of a welfare state. I would rather have a welfare state than a police state, because when you have the police armed in the native land units, as they are now going to be and they are extensively going to be used there, I know quite a number of people who are not criminals may get into trouble, as some of them have already done in certain parts of the country. It is that aspect of it that we are afraid of. That is why we are suggesting that some control of the use of arms and ammunition by the police should be exercised, so that they should not be indiscriminately exercised. If it is the criminal who is doing the chasing, for goodness sake let the policeman defend himself, but it is not always the case.

My hon. friend made it clear that the African community is not armed, we have no guns no rifles, nothing, and to display arms and ammunition in the way that is being done in the African areas is really causing alarm among the African population, and it will produce an antagonistic attitude of the common African towards the policeman which we do not want to happen, because the policeman is a help to the individual, he is the helper of the whole community, but if this thing continues to the extent that is being planned I am sure you will have a large number of Africans having an antagonistic attitude towards the Police Force. Perhaps they will think twice before they help the police by giving them information, because they think that the next moment they will hear some shooting and in some cases they feel they do not warrant that kind of thing. That is the reason why we are raising this question.

[Mr. Mathu]

Before I sit down I should like to give an instance where Africans are developing this whole attitude. Take the question of the feuds between the Kikuyu and the Masai in the Ndeiya area. You have the Kikuyu killed almost every fortnight or every three weeks. Nothing has been done and all the spears of the Masai are there. There is a police post at Machu with a few policemen there. Nothing is happening and the Kikuyu are wondering why this is allowed to continue. It is that sort of thing that is worrying us. We are not suggesting in the least that you must not maintain law and order. We support that, but we want to draw attention of Government to this fact by suggesting that this vote be reduced by £1,000. I should like to support the motion moved by the hon. member.

MR. HOPE JONES: Mr. Chairman, it does not fall to me to answer allegations made, but I do want to say one thing, as a member of this Council. I wonder whether my hon. friends the Members for African Affairs are directing their words towards hon. members or whether they are directing them to quarters where no doubt—absolutely against their own intentions—they will be misquoted and garbled and used as propaganda against the Police Force that we should be proud of in this Colony. I hope that, as this is in committee, hon. members who have spoken will get up and make it quite clear that their intention is not to say anything that might result in propaganda by our enemies, equally the enemies of the hon. members opposite, as they are of all races. I hope something will be done about it, because as I see it there is a very great danger in some of the opinions that have been stated.

MR. RANKINE: Mr. Chairman, I feel that, in view of the fact that it has been suggested that there is an intention on the part of Government to create a police state in this colony, or something of the sort, it should be repudiated at once from the most responsible quarter. Nothing could be further from the truth. The question of the arming of the police is a question which is naturally given the most careful and thorough investigation, and I know that when the extent to which additional arms and ammunition for the police were required was requested, that matter was gone into most carefully, by my hon. friend, the

Member for Law and Order and Member for Finance and by myself. It is, of course, of the greatest importance to ensure, as the African members have suggested, that the Police Force has the confidence and support of the public. Nobody would want anything but that. It is also essential to ensure that the Police Force is adequately armed and equipped, not only to defend themselves, but to carry out their obligations to the public, to see that law and order is maintained. (Hear, hear.) There is not the slightest intention, and not only that but all responsible people in this colony know it, to create a police state here.

The hon. member who spoke last on the other side seemed to me to display an extraordinary inconsistency in his own arguments. At one moment he was suggesting that the police was armed unnecessarily, and in the very next moment he was quoting illustrations to us which to my mind—or rather I should say which so far as my knowledge goes are grossly exaggerated—are instances which require an armed Police Force to deal with them. (Hear, hear.)

I myself have been round the Colony a good deal, and I must say, I have not seen police either armed unnecessarily or displaying an unnecessary amount of force. It is true that crime has reached proportions in the Colony which require the police to be armed, and it is within the knowledge of most people in this Council that at night it is essential that police on beat duty should be armed, and I think it is also within the knowledge of hon. members that when responsible officers of the Government—His Excellency the Governor himself even—go on tour, responsible members of the African community have asked Government to ensure that law and order is properly maintained and to take adequate steps for that purpose.

I will leave it to my hon. friend to deal in detail with this particular question. I would merely like to close by drawing attention to the item itself in respect of which the amendment has been moved. Hon. members will see that, far from a large increase being proposed this year, the increase in fact is almost infinitesimally small. It is in fact £190, and in view of the increase in the Force itself it does not seem to me that that is out of proportion. Sir, I oppose the motion.





MR. O'CONNOR: Mr. Chairman, I feel that this motion has already been so adequately dealt with by the hon. Chief Secretary and the hon. Member for Nairobi North, and other hon. members who have spoken, that there is little left for me to say, except to point out that it is in my opinion quite necessary that the Police Force should be armed and should have their arms, which are normally kept in reserve and are brought out when needed, and only in areas where they are needed. It seems to me that it would be quite ridiculous if we did not have the Police Force armed and because we have the Police Force armed, as is quite necessary in these days throughout the world, it is in my opinion absolutely ludicrous that we should have accusations cast against us that we are instituting a police state. (Hear, hear.)

Everybody knows that the use of arms by the police is most carefully laid down by regulations, as to when they can be used and when they cannot, and the whole thing is tied up most particularly, I think that sometimes, when people make allegations about living in a police state, they would know the difference very soon if they were, in fact, living in a police state themselves! (Hear, hear.) There is no suggestion that arms should be used except in very exceptional circumstances, such as self-defence against violence and things of that kind, in which they are permissible. The hon. member Mr. Mathu said that people who attack the police or who commit crimes were without arms. Unfortunately that is not always true. Hon. members will recall that there have been several cases recently not far from the place where we sit, where people have been attacked with arms. It seems to me to be quite absurd to suggest that the police should be placed in a position where they are unable to defend themselves or to carry out their obligations in defence of the public. I join in repudiating emphatically the suggestion that this, as the hon. Chief Secretary pointed out, somewhat insignificant increase in the vote for arms should be construed as instituting something in the nature of a police state, and I oppose this amendment.

MR. MATHU: Mr. Chairman, there are three points I should like to clear up in this matter.

The first is the question raised by the hon. Member for Commerce and Industry. I can assure him and this Council that the Africans present in this Council do not seek salvation from anywhere else except Kenya, for this is where we live and we are not interested in any help from outside. We are not trying to show that we oppose in any shape or form the maintenance of law and order in this country. We have made that abundantly clear both in this Council and outside it and our remarks are to express opinions which are all over the country among our own people. It is true that on occasions you may find a few Africans who manage to meet with the higher officers of this Government, but we live with the common ones, we live among them, the men, women and children, and we know the feelings of our own people. We do not live anywhere except with them, and unless we express our feelings in this Council where else must we be responsible and express the feelings of our own people. That is why we are here, and we do it at the risk of our popularity with Government officials and the country, but unless we do it we would not be doing our duty.

We are not interested in what happens outside this country. We do not want assistance from any part of the world. Your enemies are our enemies. Therefore I would like to repeat that our representation is genuine, sincere and honestly put. It is honestly put and nothing else, and we do that as I say at the risk of our popularity with the Government, and because it is our duty we must make it.

The second point is that the hon. Chief Secretary did say that my remarks were exaggerated. They were not. They were fair, sincere and accurate. I do not want to go into details because I do not want to take up the time, but if necessary I will move a motion on this particular issue and thrash out the whole thing over two or three days, and point out facts and figures to show that I have not exaggerated anything.

Finally, the hon. Attorney General did say that I quoted that criminals are not armed. I think he got me wrong. I never said that criminals are not armed. I said there were two things: one is that the African community as a whole is not armed, they have no revolvers, guns, no nothing. That is what I said, but I did say

[Mr. Mathu] also that if a criminal attacks a policeman, the policeman has the right to defend himself, and that is the proper thing. That is the position.

We still feel that we are expressing the feelings of the majority of our people, that there is antagonism towards this, and as you want the co-operation of the whole community to maintain law and order that is why we express these feelings. We want the co-operation of Government with ourselves in this matter because we are in a very difficult position, and we want the co-operation of members on this side of Council to see that the African looks at a policeman as one who is going to help him and not as an enemy, and when we make a suggestion like that capital is made out of it. Personally I do not look to any country to help us. I still think hon. members should look at this issue from this point of view, and I still support the motion.

MR. COOKE: Mr. Chairman, as an old member of this Council, I associate myself to a great extent with what the hon. member Mr. Mathu has said. There is far too much tendency among the gentlemen on the other side to become hot under the collar. I thought when listening to the hon. member Mr. Ohanga and the hon. member Mr. Mathu, although I do not agree with certain things they said, I thought they made reasonable and reasoned speeches, and they should be answered in those terms. With reference to a police state, I thought that all the hon. member Mr. Mathu said was that we might develop into a police state along these lines—(MR. MATHU: Quite right.)—but he did not make the charge that there was a police state in this country. He uttered a very reasonable warning, a warning that I and others have uttered, that we must be very careful to bring with us the African population of the country, and unless the police of the country get the confidence of the African people, and I am sure that the hon. Member for Law and Order would be the first to agree, we cannot make proper progress. There is a difficulty about arming people with rifles, and no one would agree more than I do that law and order must be maintained, but we must be careful that it does not lead to competition in crime which has happened to my own country, Ireland, when both sides got so out of hand that a

Roman Catholic archbishop in Ireland described it as competition in crime. We must avoid that, and while law and order must be maintained it must be by getting the African populace on our side and getting them to work with the police.

MR. RANKINE: Mr. Chairman, I should be the first to agree with the hon. member that the first essential is to get the public confidence behind the police. If any of us on this side have got hot under the collar or answered this debate in terms which are out of proportion to the terms in which the particular motion was moved I leave the Council to judge. It has been suggested that some of the remarks made were not exaggerated and that Government got excited about them for no reason. I would point out that it was suggested in actual terms that the police used their rifles without regard to human life at the other end. That, I think, was the particular phrase. (MR. COOKE: He was warning.) If that is not so, I will be the first to apologize and again, if the remark made which I said was exaggerated, which I understood to be that Kikuyu were killed every fortnight in tribal skirmishes with Masai (is correct and not exaggerated, again, if anyone produces figures to substantiate that statement, I will be the first to apologize.

*Council adjourned at 11 a.m. and resumed at 11.20 a.m.*

MAJOR KEYSER: Mr. Chairman, I would have agreed with what the hon. Member for the Coast said, or with the hon. mover, if in the past history of the police of this country there had been instances of unwarranted shooting, but in the time that I have been in this country—

MR. COOKE: I did not say there had been any unwarranted shooting.

MAJOR KEYSER: I said that I would have agreed with him if there had been cases of unwarranted shooting, but in the third of a century that I have lived in this Colony I cannot remember a single instance of a policeman using his arms in a manner in which he should not have done, or of a case of a policeman unnecessarily shooting anybody. There have been shootings and there have been inquiries into the shootings, and those inquiries have always upheld the action of the police.

[Major Keyser]

The hon. member Mr. Mathu said that the African population were not armed—they had no guns or rifles, and therefore they were not armed. Well, sir, does he really mean that? Does he expect us to believe that that is so? Is a gun or a rifle the only arm with which you can kill a policeman? What about a *panga*? Half the people who are killed in this country are killed with *pangas*, and I think another quarter in this country are killed with *ringus*. There are very few natives in this country who have not got a *panga*, a *ringu* or a spear, and I consider the correct action for those members who wish to see the police armed to a lesser degree than they are to-day would have been first of all to have said that it should be illegal for any person to carry a *panga* or a *ringu* or a spear, and to follow up their criticism of the arming of the police after that disarming of the African population had taken place.

I beg to oppose.

MR. O'CONNOR: Sir, I merely want to add a very few words to this matter which has all blown up, I think, rather unexpectedly.

MAJOR KEYSER: Unnecessarily.

MR. O'CONNOR: I want to reiterate and make it perfectly plain that there is no ulterior motive in the increase of the police vote—(hear, hear)—and nothing sinister about this small increase in arms for the police. The police, or a large proportion of them, always have been armed, and I do not quite know why this has suddenly come into prominence. I entirely admit that the African members must reflect the feelings of their constituents, but I hope that they may also be relied upon, as I am sure they may, to guide the feelings of their constituents when those feelings are erroneous. I trust that they will do their best not to give currency to ideas which are without foundation but to reassure their constituents that it is in fact true, what I said before and what has been reiterated more than once in this Council, that there is nothing sinister in the increase of the police vote, and that no one who keeps within the law need regard the policeman as anything but his good friend. (Applause.)

MR. OHANGA: Mr. Chairman, I am very grateful indeed to my hon. friend and colleague Mr. Mathu for doing so much in elaborating the point at issue, much better than I could ever expect to do. It only remains for me now to try and add to some of those elaborations and sentiments which he made, and with which I agreed.

The hon. Member for Nairobi North, who I am afraid is not here at the moment, did say at the beginning that those who live by violence die violently. I do not agree with that, but I would also like to suggest that any peace which is only got by force will be destroyed by force, and it is a most-unfortunate position that although so much has been done to equip and to increase the Police Force, so very little has been done to get the African public to come along with the police. It is a tremendous fact that the success of our Police Force in this country and the success of our duty in maintaining law and order depends entirely on the public and not on a small Police Force. It seems to me that I must point out that the sight of a policeman with a gun which he is ready to use quite indiscriminately is alienating the African completely, and I should be evading my duty as a person representing Africans in this country if I did not make that fact clear to you. All cry for African co-operation. That is one factor which militates against it, and I thought it my duty to bring that to your notice.

My colleague, myself, and everybody have no idea at all of any kind of trying to run out of our own sphere of life and work. We are Africans for ever and ever. We are making tremendous drives for reconstruction and development, and we look for no help for it except to Kenya and this Council alone, and we are protected in our responsibilities as representatives of Africans. Our course is to get the co-operation of the African for peace and law and order, but to allow even the most junior policeman to have a gun and allow them to shoot without any discrimination at all—that we really felt we ought to bring to your notice.

I represent specifically the people in Nyanza Province, and I mention in explanation of what I have said the incidents of shooting that took place in that part of the world, where a large number

[Mr. Ohanga]

of lives were lost in a shooting which it seemed to me was not absolutely warranted, in that although guns were used by the Police Force it could not be said that one single African had a gun or firearms.

It has been suggested by the hon. Member for Trans Nzoia that in the matter of arms it is not the gun but the *panga* and the *ringu* and the spear that are effective arms. I would like to suggest that the African Police Force should not adopt the system suggested and that *pangas* and *ringus* should not be the arms with which our policemen should be armed, because they know they are far from adequate in dealing with any force. The *panga* and *ringu*, apart from being, as people will say, primitive and so on, are customary—the sort of equipment which people carry about with them just to walk, to have as a walking-stick, and a walking-stick, while it is effective as an arm, is essentially a walking-stick.

MR. HAVELOCK: What about poisoned arrows?

MR. OHANGA: We do not meet any Africans about with poisoned arrows and bows. If you see any I would like to have my attention drawn to it. It is our sense of responsibility which makes us feel that if we did not draw the attention of the authorities to this it might go too far. We are all one with you on the question of the principle of arming the police. What we object to is the arming of police against a force so inadequately armed. I can never really see the point and the necessity for tanks and armoured cars and dogs and things of that kind against people that are not really armed to a degree that they could cope with the tanks and armoured cars. It is doing a small thing on a big scale, to the detriment of a principle that is necessary.

It is the excessive arming and the indiscriminate use of arms that we are protesting against, and to make quite sure that my co-operation is made plain I will not suggest the deletion of the item. My amendment is merely to reduce it with the effect that the present standard of arms in our Police Force is adequate to deal with anything, and anything more that is brought into it

additionally will be excessive and will promote the indiscriminate use of arms and ammunition. I beg to move that item 72 be reduced by £1,000.

DR. RANA: It was not my intention to say anything, but there is just one point which has arisen out of the hon. member Mr. Ohanga's speech—whether one should die with a bullet or with a *panga* or *ringu*. I, as a medical man, and from a material point of view, would inform him that it is better, if a person has to die, that he should die with a bullet rather than with a *panga* or *ringu*. (Laughter.) With these words, I oppose.

MR. USHER: Mr. Chairman, I beg to move that the question be now put. (Hear, hear.)

The question was put and carried.

The question of the reduction of item 72 was put and negatived on a division by 28 votes to 4. Ayes: Messrs. Chemalun, Jeremiah, Mathu, Ohanga, 4. Noes: Messrs. Anderson, Blondell, Cavendish-Bentinck, Cooke, Davies, Deverell, Erskine, Gillett, Havelock, Hobson, Hope Jones, Hyde-Clarke, Keyser, Maconochie-Welwood, Madan, Matthews, Mortimer, Nathoo, O'Connor, Padley, Patrick, Preston, Pritam, Rana, Rankine, Salim, Lady Shaw, Mr. Usher, 28.

The question that Head 11 be approved was put and carried.

#### Head 11A—Police Extraordinary

MR. O'CONNOR: Sir, I beg to move: That Head 11A, Police Extraordinary, be approved.

DR. RANA: Mr. Chairman, item 1, Motor Vehicles. I do not believe they are very practical as far as the motor vehicle design is concerned. The new motor vans of the police that I have seen in Mombasa and here in Nairobi with a green hood which is raised about three to four feet for patrolling purposes I think are of a design which is very awkward. The object of the police van is that the patrol should be able to reach the scene of any disturbance quicker. Now you can see those cars coming along from a distance of a mile or two miles. The result is that those people who are in the game, the moment they see that the car is approaching, clear away, and the result is that the patrol and all the expense is wasted. I would

[Dr. Rana] only suggest that the attention of the Commissioner of Police be drawn to this and that the police should have any ordinary car that any human being uses so that whenever they are called to a certain emergency nobody would know whether it is the police or an ordinary car.

I quite realize that the object of giving police cars a special design is that people who are driving on the road should give way to them, because they see it is something very urgent, but the police cars look ugly; they are more uncomfortable, and the object for which they are designed I think is frustrated the moment they start from the police station. It is not my view, but I have heard this from various responsible people, and even some of the police officers have expressed to me a sense of disgust with that design, and I would like to draw the attention of the hon. Member for Law and Order to that aspect of the question.

MR. MATHU: In supporting the motion I should like to make a few comments on item 8 of that head, Police Training School, Nyeri. Almost every budget session I have drawn the attention of this hon. Council to the imperative necessity of policemen being courteous to the public, and I would like to take the opportunity of doing this again this year.

MR. HAVELOCK: On a point of order. I believe this particular item refers to the electric light installation of this police training school.

THE CHAIRMAN: He is probably developing an argument by which he will come to the electric light installation when he reaches the last sentence.

MR. MATHU: I think, sir, you are quite right. Will the hon. Member for Kiambu wait and see? I have always emphasized this very important aspect of a policeman's duties and always taken as an example the London Metropolitan Police. I have been told that the London policeman has a very long tradition behind him, and it is going to take some years before we can produce such men. I have always said that it is not impossible to produce a courteous policeman who will control law and order firmly, but courteously, with the public.

THE CHAIRMAN: Will the hon. member be good enough to explain how this is to do with electric light installation?

MR. MATHU: That is exactly what I am going to do now, sir.

THE CHAIRMAN: I would remind the hon. member we are in committee.

MR. MATHU: Electric light is very important to the morale of the policeman when sitting down, and the psychological effect of a well-lit house helps to produce the attitude and outlook that are necessary! (Laughter.)

MR. RANKINE: Mr. Chairman, I am delighted to hear that electric light has this effect on courtesy towards the public, and I hope that the new installation at Ruiru will effect a considerable improvement in Nairobi. (Laughter.)

The question was put and carried.

#### Heads 12 and 12A—Prisons

MR. HOBSON: Mr. Chairman, I beg to move: That Head 12, Prisons, and Head 12A, Prisons Extraordinary, be now approved.

Hon. members will have noticed that there is a rise of £33,728 in current expenditure. That increase will mostly be spent in respect of increases in the staff and other charges which are due to the following matters.

First of all, I regret to say that the prison population continues to increase. In 1947 the yearly average was 8,500. In 1948 it increased to 10,000, and for the first seven months of this year it has increased to 10,500. There has been a constant demand in this Council, and rightly so, for closer supervision of convict labour, and that is endorsed and recommended by the Gormley Report which was laid on the table of this Council earlier this year. The Gormley Report recommended that the present ratio of warders to prisoners, which is one to sixteen, be improved to one to ten. Of course, the most desirable ratio is one to five, but to bring the ratio in this Colony to one to ten would require an increase of 216 in warder staff. The actual increase provided for in these estimates is 116.

I would not be possible to train and equip any larger number than that for the present, and that is why the full number has not been budgeted for,

[Mr. Hobson] Government does intend gradually, however, to achieve a ratio of one in ten, but it depends on training and equipping the men, and all that not only takes time but takes, as members will appreciate, money. If the additional number of 116 is eventually provided for in these estimates it will be possible also from time to time to second regular warders to the prison camps. A number of these camps are now controlled by warders recruited by district commissioners, and while some of those camp warders happen to be ex-prison warders and a number of them are ex-soldiers, they are not trained—or rather the ones who are not ex-prison warders are not trained—really for their duties, and it is thought that if regular warders can be seconded from time to time to these camps it will serve to tighten up discipline and bring about an increase in the labour which the convicts in the camps can produce.

The Gormley Commission strongly approved of the prison farm at Kitale and they have recommended that another of these agricultural training centres be provided. Provision is made in the estimates for that purpose. It is intended that another agricultural training centre should be started at Kakamega and there is a small amount of £150 provided in the estimates for that purpose. Perhaps I ought to explain that the reason for this amount being small is that it is intended that first of all a camp, a rather more temporary affair, be erected, and the convicts will then, living on those lines, build the main prison. That of course will also require warders and additional staff, and will absorb some of the 116 additional warders that have been provided for.

As I have said, the Gormley Report was laid on the table earlier this year, and hon. members will no doubt want to know whether that report has been implemented or whether it is intended to implement all of its recommendations. I propose to take this opportunity of dealing with those recommendations in that report one by one.

The first recommendation was that "the highest possible priorities should be given to prison construction now in hand and under contemplation". The question of further prison buildings will be considered by the Planning Committee early

next year. As hon. members know, it is intended to do away eventually with the Nairobi prison which occupies a site, I am instructed, which has been reserved for industry, and when it is possible for financial provision to be made it is proposed to begin building a new prison. That prison will not only be a prison for the ordinary convict, but there will be a separate prison for corrective training, which was recommended in the Slade Report and which has now been endorsed by the Gormley Report. That prison will be used for the training of recidivists and habitual offenders.

The second recommendation of the Gormley Report is that there should be "a separate prison for European convicts on an interterritorial basis". There has lately been a meeting of the Prison Commissioners of the East African territories and Nyasaland, and they have endorsed that recommendation, and it is also hoped that provision will be made for such a prison when the new prison is built.

With regard to the Mombasa prison, there has been some difficulty about the water supply, but the site at Mtwapa has been prepared and investigations into the water supply are still proceeding. Reports are now more favourable, and the Mombasa prison will also be considered by the Planning Committee early next year.

A new prison and African staff quarters at Kisii are actually under construction. Staff quarters at Kitale are being built, and there is provision for that in the Prisons estimates extraordinary. A new prison and African staff quarters are under construction at Kisumu, and it is intended to build a remand prison also at Kisumu, but that has not yet been commenced.

Recommendations 3 and 4 were that there should be an extension of the temporary camp system, and the construction of camps in the vicinity of suitable works, for example, quarries, road construction and building projects. Also that there should be an expansion of prison workshops and trade instruction for long-term prisoners. With regard to the third recommendation, the camp system has, of course, been extended, and that has been going on for some time whenever opportunity offers. It will be further extended, and the recommendation will continue to be carried out as and when adequate

[Mr. Hobson] staff are available. It will, of course, be realized that it is most desirable that these camps should be staffed by properly trained warders, and the position is that as many convicts as possible are accommodated in these camps. They are, of course, mostly first offenders because, as will be appreciated, camps, whether they be temporary or more permanent, are not proper places to imprison and confine the hardened and toughened old criminal.

With regard to recommendation No. 4 which, as I said, is really the Slade Committee recommendation, that corrective training should be given recidivists and habitual criminals, this will be implemented when the new prisons at Kisumu, Nairobi and Mombasa are completed or are ready: Kisumu is actually being built at this moment. There are, of course, a number of recidivists who are receiving workshop training—industrial training (because all corrective training is really industrial training)—in Nairobi at the present moment, but the workshop accommodation is not sufficient to train them all. The system really cannot work satisfactorily until the new prison is built.

I think I have already dealt with the fifth recommendation, the extension of the prison farm scheme. There is, as I have said, provision for a new centre at Kakamega.

Recommendation No. 6 was that detainees should not work in towns but should as far as possible be in camps doing useful work outside municipal areas and under closer supervision. I have to say at once that the implementation of this recommendation will be very costly indeed. First of all, detainees do useful work in towns, but the real objection is that the approximate cost to this Colony of building camps for detainees outside towns would be so far as we can see with respect to Nairobi, Nakuru, Kisumu and Mombasa in the neighbourhood of £28,000, and it is not felt at the moment that financial provision can properly be made for that purpose.

Recommendation 7 was that when adequate warder staff was available for supervision and the prison lock-up is sufficiently large, prison labour should be made available to district councils. That will be done when warder staff is available. As I said before, warders

have to be fitted out and trained, but it is thought that in the not too distant future it will be possible to implement this. There is also the question of agreement as to what wages should be paid to the Prisons Department for the use of these prisoners.

Recommendation 8 was that where possible prisoners in small out-stations should be employed by the Public Works Department on work of a sufficiently arduous and useful nature, and a reduction made in the number of convicts in district commissioners' prisons to a minimum as soon as it becomes possible to house them in the new prison establishments. So far as prisoners in small stations carrying out work for the Public Works Department are concerned, that, I am instructed, is the normal practice, and most of the Government buildings in the out-stations are, I am told, built by convict labour. With regard to a reduction in the number of convicts in district commissioners' prisons, this will be carried out when the new prisons are built and room is available.

Recommendation 9, the payment at reasonably economic rates for prison labour by all bodies employing it, except where used for station maintenance. There is no provision in the 1950 estimates for this purpose, but after careful examination of that scheme I am able to say that the financial advisers to Government have agreed with it in principle, but I am certain it will be appreciated that there are a good many details to be considered with regard to the matter. There are a number of aspects of the matter which have to be carefully worked out, and this has not yet been done. It has therefore not been found possible to include provision for that in the estimates which we are now discussing.

Recommendation 10 was that there should be an increase in the European staff by the recruitment of subordinate prison officers to allow of the proper control of the prisoners. It will be noticed that there is an increase of five superintendents and assistant superintendents provided for in the estimates. I have already pointed out, while I was dealing with this subject, that there has been provision for a very substantial increase in the African staff. The prisoners working day which is a matter we have dealt

[Mr. Hobson] with here from time to time, has been limited and is limited by the warders' working day, which is a working day of 11 hours. The only way of increasing the prisoners' working day would be to double the shifts of the warders, and I am certain that hon. members will appreciate that that would involve a very considerable financial provision. Roughly double the warder strength would be required for this purpose. It must not be forgotten that it costs only £16 6s. a year to look after a prisoner in Kenya. That sum is made up in this way: 89 cents a day to keep a prisoner, which is 39 cents for his rations and 50 cents for supervision. In England it costs £164 a year to keep a convict, but even in England the convicts' working hours are limited by regulation. There a convict works an eight-hour day, and that includes his midday meal. The time taken up in Kenya by a convict is eight hours, but that does not include the break for the midday meal as in England.

It must not be forgotten also that in England, except in a very few special prisons, all prisoners carry out their sentences almost entirely within the prison walls, and the work on which they are engaged is work such as sewing mailbags and that kind of thing—semi-industrial labour, carpentry and brush-making. They each have an additional two hours' work in the evening in their cells; also on work like making mailbags. But that is not possible here for this reason, that in none of the prisons here are there provided separate cells for each prisoner. Prisoners here are kept in wards, and these wards may have to hold as many as 50 or 60 prisoners, depending on the state of overcrowding in which the prison happens to be at the moment, and the Commissioner tells me that he could not allow the men to work in these communal wards as they would have to be provided with instruments which might serve as weapons when they are in the wards after they have been locked up.

As I pointed out last year, the warder's working day does not cease when the prisoners arrive back in the prison. He has to count and check the gang of prisoners, each of whom has to be searched before he is locked up. They have to have a shower or wash under supervision; they have to have their

meal under supervision; they have then got to be paraded, locked up, counted and checked, and if there is any difference between the number of prisoners who are being counted and those that went out of the ward in the morning they have to be rechecked and recounted, and that takes a considerable time. It is thus impossible, as I have said, to increase the working day of prisoners in this country unless the warder staff is considerably increased, if not doubled.

Recommendation 11 of the Gormley Report was that there should be a provincial system for prison superintendents in the Colony. That will be carried out. There has been provision made for it in the estimates. It will be noticed that in addition to the extra five superintendents and assistant superintendents there is provision for eight additional Asian clerks. Those clerks will be used, some of them, for running this provincial system. When this system does come into effect the supervision by district commissioners of prisons will largely disappear.

I have already dealt with the recommendation for the increase of staff. Paragraph 14 says that an examination of each prison centre should be made to decide what useful works within reasonable distance of the prison exists for useful employment of available prison labour and adoption of the task system whenever possible. Instructions have been issued to all officers in charge of prisons that this should be implemented.

Recommendation 15 deals with the provision of adequate transport for prisoners. That has been carried out by special warrant in the course of this year. It has not been carried out, however, with regard to Nyeri, which was one of the places for which it was recommended, because since the recommendation was made the number of camps round Nyeri has decreased considerably and it is no longer required.

Recommendation 16 was that warders should be eligible for the grant of the Colonial Police and Fire Brigade Long Service Medal. This matter has recently been under discussion and is still under consideration.

MR. HAVELOCK: Mr. Chairman, the hon. Solicitor General has given us such a detailed and clear exposition of the

[Mr. Havelock]

situation with regard to prisons that there is scarcely anything left to inquire about or to criticize. There is only one point I wish to raise. I should like to ask him, as regards raw materials for prison industries—I notice that £68,000 asked for in these estimates, whereas I believe I am correct in saying that revenue from prison industries is estimated at £59,000. His explanation is that the prison industries now require to build up a reserve of materials. If that is the case, have they got the storage for it? In fact, what is the policy?

MR. MATHU: Mr. Chairman, might I ask two questions in regard to this? The hon. member did I think in a very well-worded speech explain that the temporary camps and semi-permanent camps were confined to first offenders. By implication perhaps he meant the permanent prisoners or habitual criminals. I should like to ask the hon. member whether they will do what they can to see that these habitual criminals are as completely as possible removed from first offenders—(hear, hear)—because African opinion is definitely that these first offenders get their text from these hardened fellows, and then perhaps they join the crew later. I should like to get an assurance from the hon. member that this will be progressively and expeditiously done.

The second question is on the question of convicts' uniforms. Complaints have been made to me that they have only one set of uniform, and actually the question is how a man is to keep clean and hygienic with only one? I may be wrong and stand subject to correction. One suggestion is that they should have two sets, so that they could have a clean one on while the other is being washed.

MR. COOKE: Mr. Chairman, as a member of the Gormley Committee, it is very gratifying and pleasant to know that Government has accepted so many of the recommendations. I should like here to pay a tribute to the Commissioner of Prisons and his officers, because they gave us every possible help, and no attempt was made to hide anything from us.

I am one of those who believe that if a man goes to prison it should be made so unpleasant that he will not want to go there again. Even so, one of the

objects of recommending a large increase in warder staff was because, of course, it is almost impossible for one warder to look after 15 men. The ideal we aimed at was ten men to each warder. I would again pay a tribute to the efficiency that prevails in the prisons. I think that if the public knew how efficiently the prisons are being run—I am talking about the main prisons that can be properly supervised—there would probably not be so much criticism of the present system in the country.

MR. USHER: Mr. Chairman, two questions I should like to raise if I may. They concern the Mombasa prison, Fort Jesus, which we believe would prove a great attraction to tourists. (Laughter.) I wonder whether the hon. members opposite could tell me—I am not sure whether it would be the hon. Solicitor General or the hon. Special Commissioner for Works—what is a reasonable estimate of the time which, if the water-boring proves satisfactory, it would take to establish a new prison at Mtwapa? And the second: Whether the dilapidations which are said to be considerable in Fort Jesus are really very serious? I ask this because I think it is likely that the municipal authority will have to deal with them, the intention being eventually to turn the fort into some sort of museum.

MR. RANKINE: Mr. Chairman, perhaps I should try to answer the last point made by the hon. Member for Mombasa. He asked how long it would take to establish the new prison at Mtwapa. The answer to that is not very easy, for this reason: that in the Development Committee report a certain sum of money—£100,000 to be exact—was provided for new prison buildings. Of that some is already committed, and by the end of this year most of it will have been spent, without providing for a new prison at Mombasa. We have in the Planning Committee details of the new prison requirements, which run into over £500,000, and irrespective of whether the Planning Committee will be able to find all that money, one hon. member of this Council at any rate has already given notice of his intention to move a reduction in the present building programme, let alone that for the future. So that the question of a new prison for Mombasa depends first of all on our

[Mr. Rankine] being able to find money to do it, and, secondly, on our being able to fit it in the building programme when we have got it.

MR. PRESTON: Mr. Chairman, I should like to ask that consideration be given further to the hon. member Mr. Mathu's feeling on the question of habitual criminals. I do not think he took it quite far enough. I think we have the criminal who goes up to about 12 convictions, and you have the man who goes beyond the 12 convictions, and I have heard of a case of a man who had got as many as 36 criminal convictions against him. That type of man, I do submit, is completely anti-social and I think he should be removed to a place where he could no longer come in contact with society ever again. I do not think you are going to reform him.

I do ask that consideration should be given to a special prison in some remote place for the housing of those residents of this Colony who have more than 12 or 14 criminal convictions. In the case of those who are non-residents of the Colony I would urge that they be deported on the same basis, because I do not see any point in keeping at the public expense people who we know are going to influence criminals who have not advanced to the same degree of skill as these very hardened types. I do hope that most earnest consideration will be given to these measures, because I do believe we should keep crime down by 60 per cent by separating the young first offender, the second offender, and even the third offender, and trying to reform them, but I see no hope of reforming people who have got to the stage of 12 or more criminal convictions.

MR. HOBSON: I am very glad to have the opportunity which has been given to me by the hon. Member for Kiambu for explaining this matter of the raw materials which is part of the Prisons vote.

As he has pointed out £68,000 has been provided this year for that purpose. Now, sir, this represents raw material which is converted in the prisons workshops into articles which are sold to this Government—uniforms and other things of that sort. I need hardly say that if these articles had to be prepared, or

rather had to be purchased from firms in this Colony, the cost would be very much more than it is to Government. As he has pointed out, the returns from these sales are reflected in the revenue estimates, and this year the amount is £59,000, £1,000 more than last year. The remaining £9,000 remains in the prison stores as stock. There is always a carry forward from one year to the next, and that is largely due to a delay which cannot be helped in delivering material which has been ordered from the Crown Agents to the Colonies.

For instance, I believe there is at present an outstanding order for 140,000 yards of khaki drill with the Crown Agents. This represents £20,000 roughly. That may or may not be delivered this year. It therefore very likely, having reached this date, will have to be carried forward until 1950 and the same thing of course applied to the years 1948-1949. If the raw material does arrive in the year in which it is ordered it is paid for very promptly, but I must point out that the money is not left over because that money has to be used for paying for orders which have been carried forward from the previous year. That, I hope, does explain the difference of the £9,000 which is not provided for in the revenue estimates.

MR. HAVELOCK: Would the hon. member give way? Mr. Chairman, I understand from the hon. Solicitor General—

THE CHAIRMAN: You are not entitled to interrupt a man in order to make another speech.

MR. HAVELOCK: I am merely asking for further clarification. Is it correct that the charge to Government departments for uniforms, etc., does not include an element for work, or is it only the charge for material that is made against the Government department concerned? According to what the hon. Solicitor General has said just now, it seems to me the actual material only is charged to Government departments, not the work itself. Is that correct?

MR. HOBSON: I think I will be able to answer that question a little later in the debate if I am given an opportunity to make an inquiry about it.

[Mr. Hobson].

In regard to storage, that I should also have to let the hon. member know at some later time.

The hon. member Mr. Mathu asked whether there was segregation between the old lags and whether the old lags were segregated from first offenders. As far as possible that is carried out. As I have said, every effort is made to send first offenders to camps where recidivists and habitual offenders are not detained. When the new prisons are built, of course, segregation will be complete, but until then it is not an easy problem, but every attempt is made in the circumstances to achieve it.

With regard to the provision of only one suit for a convict. That is so, but with regard to a man having to live dirty because he has only one suit he is given every opportunity and there are facilities for his washing that suit, and while the suit is being washed and dried he wears a blanket.

I would like to thank my hon. friend the Member for the Coast on behalf of the Commissioner and his officers for his very kind reference to them. It is always a very agreeable thing for the Government when one of their departments comes under the inspection of a commission and that commission can speak so highly of the staff which has come under their inspection.

I think my hon. friend the Member for Mombasa has been answered by my hon. friend the Chief Secretary.

With regard to the remarks made by my hon. friend the Member for Nyanza about building a prison in some remote place where the incorrigible people can be locked up away from society, it must be remembered that two committees have gone into this problem. One was the Slade Committee, as long ago as 1946. I think it was, and their recommendations are contained in their report, and I will not go into those recommendations in any great length except to say this, that they have thought that the problem can best be dealt with by corrective training, and that is the policy which this Government proposes to pursue. If my hon. friend would care to see me after the debate I shall be very pleased to point out to him the exact provisions which have been recom-

mended. As I have said, the Slade Report is what this Government proposes to work upon, and the money will be spent not for building a prison in some remote place but for building establishments where this corrective training can be carried out.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I would like to ask one question of the hon. Solicitor General. That is, whether he is satisfied that there is sufficient tie-up between the finger-printing in prisons and the finger-printing carried out by the police and Registration Department to ensure that recidivist criminals are not in fact put with first offenders, because I have heard it said that very often insufficient knowledge exists of the criminal, and a habitual criminal is in fact sentenced to probation which is a very bad thing for the probationers.

MR. O'CONNOR: Mr. Chairman, if I may answer the question of the last questioner, I am not altogether satisfied with the finger-printing arrangements in prisons, and that is a matter which will require further staff to carry out a proper finger-printing system so that there can be no confusion. It is true that some of the criminals, those who go to detention camps and those who go to third class prisons and so on, are not finger-printed and there is some risk of confusion, but to the best of our ability and with the staff at present at our disposal, that matter is very carefully attended to; we do the best we can. It will be necessary at some future time to increase staff in that direction, but that was not considered of sufficient priority to take place in advance of certain other recommendations which had to be fitted into the estimates this year.

MAJOR KEYSER: May I ask the hon. Solicitor General, did he reply to the question of the hon. Member for Kiambu—I missed it if he did—about whether there was any charge made for the work in the prison industries or whether it was merely a charge for materials?

MR. HOBSON: I was just about to reply. The answer is in the affirmative. There is a charge for the labour used in making these uniforms.

MR. HAVELOCK: Mr. Chairman, that means that stocks have been left over

[Mr. Havelock] at the end of the year, but they would be worth considerably more than £9,000. If there is a charge made for labour, then the labour charge is in the revenue of £9,000. At the same time there is £68,000 worth of stores, so the stores that are left over must be in greater excess than £9,000. I am sure my hon. friend on the financial side would agree with me. I would like a further explanation if it can be obtained, not necessarily to-day, as to the reason for the very large increase, the great surplus of stores ordered for a year's working, as against the revenue estimated.

MR. MATTHEWS: I do not think, sir, that it is a proper deduction to make that because £59,000 is shown in the revenue and £68,000 is shown as raw materials for prison industries, that to deduct one from the other shows in fact what stores are left over. That deduction is not correct.

MAJOR KEYSER: That was the argument of the hon. Member for Kiambu, that, although it showed a difference of roughly £10,000, there should be £10,000 at least of materials in store. There should also be the cost of the labour in stores as well. This matter has been brought up, in my recollection, almost every year for some years past and every year—I notice in 1948 the sales were greater than the purchases—for a number of years there has been this discrepancy that the sales have not reached the amount spent on raw materials. It might happen in one year, but it cannot go on every year unless there are enormous stocks in store at present.

MR. COOKE: Cannot the hon. Deputy Financial Secretary come to the rescue of the other side?

MR. MATTHEWS: Sir, my point was this, that I would like the hon. Member for Kiambu to point out in these estimates where it is stated that the stock left over is only going to be worth £9,000. If it is not stated I cannot see how such a statement that does not exist can be criticized. If it is nowhere stated that the value of the stores remaining at the end of the year is equal to the difference between what we pay for raw materials and what we get back as revenue, there can be no such criticism.

MAJOR KEYSER: Surely we have the right to conclude that that is the difference if it is not explained? By deduction it must be the answer. If the raw materials cost £68,000 and the sale only is £59,000 there is a difference of £9,000 which must be explained if we are not going to be allowed to come to a natural deduction that there are large stocks still left in store.

MR. HAVELOCK: I would like to point out that it was the hon. Solicitor General who made the deduction.

MR. HOBSON: Is not this the point? The £9,000 is not lost to the taxpayers of the Colony. The material is used—it is not left there to rot or to be eaten by the rats.

MR. HAVELOCK: The point, sir, if I may make it again is that it seems that stocks are left over every year, according to the figures that are placed before us in the estimates. We cannot see how stocks are left over every year. Are the stores not bulging to some great extent or some losses being sustained? The figure of £9,000—I must make it quite clear, the £9,000 is a deduction of revenue from expenditure—but on the other hand the revenue includes an element for the work, so the actual value of the stores left over at the end of 1950 must be estimated to be something much more than £9,000. Is it necessary to leave over every year stores worth £9,000 or £10,000 or more?

MR. HOBSON: Mr. Chairman, I understand that the amount for labour would represent 10 per cent of the value of the material, so that the total amount involved, if you take in the 10 per cent for labour, would be £9,900.

With regard to this large amount being left over, I do not think really, when you consider the cost of the material, that it is as large as at first it would seem, but I am told by the hon. Commissioner of Prisons that, owing to this delay in deliveries from the Crown Agents, it is very difficult indeed not to have these amounts left over from time to time. They are, however, used up; that is the point. They are not left there to be a loss to the Colony.

MR. NATHOO: Mr. Chairman, I think that, according to commercial practice, they would show the stocks at the beginning of the year of the material, and

[Mr. Nathoo] whatever extra cash-labour has cost. By the end of the year there would be a little material left on hand, and then we could be shown the figure. Is there any difficulty in showing us in that way what the position is?

MR. RANKIN: Mr. Chairman, I think Government must agree that there is something in the point made by hon. members. That is that normally, if a charge is made for labour, the credits on the revenue side in any one year ought to exceed the amount paid for raw materials. There are two points in that connexion. First of all, as my hon. friend has pointed out, owing to the fact that stocks ordered do not always come forward and are not always paid for in the same year, there is sometimes some overlapping between one year and the next. Secondly, a certain amount of stores are carried forward into the following year. But I think if the committee will leave it to Government we will have this matter looked into to see whether it is possible to show in future the actual amount carried forward.

The question that Heads 12 and 12a be approved was put and carried.

#### Head 13—Registrar General's Department

MR. O'CONNOR: Mr. Chairman, I beg to move That Head 13, Registrar General's Department, be approved. In accordance with the arrangement, I merely move it formally.

The question was put and carried.

MR. MATTHEWS: Mr. Chairman—

MR. COOKE: Seeing we are so close to the witching hour, cannot we adjourn?

THE CHAIRMAN: You can move.

MR. COOKE: I beg to move: That the committee rise, report progress and ask leave to sit again.

Council resumed, the report was adopted and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.35 p.m. and adjourned until 10 a.m. on Tuesday, 13th December, 1949.

#### Tuesday, 13th December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 13th December, 1949.

Mr. Speaker took the chair at 10 a.m. The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 9th December, 1949, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 66—INCREASE OF RENT (RESTRICTION) ORDINANCE, 1949

MR. USHER:

1. Is Government aware of the inadequacy of the arrangements at Mombasa for the administration of the Increase of Rent (Restriction) Ordinance, 1949, in respect of both staff and accommodation?

2. Will Government take immediate steps to appoint an executive officer and to provide suitable accommodation for the Rent Control staff and records?

MR. HOPE JONES: The answer to the first part of the question is in the affirmative and the Government is already taking the necessary action to deal with the situation.

#### No. 75—HOTEL DECONTROL

MR. COOKE:

In view of the easing of the position with regard to housing in Kenya will Government consider the decontrolling of hotels in this country?

MR. HOPE JONES: While the Government does not consider that it would be in the public interest to remove all control from hotels, it is proposed to suspend the control of hotel tariffs and charges, with effect from the 1st May, 1950, for an experimental period.

MR. HAVELOCK: Mr. Speaker, arising out of that answer, will Government say why the date of 1st May is specially decided upon? Does Government know what the situation will be in six months' time?

MR. HOPE JONES: Government has not complete knowledge of what the situation will be in six months' time. On

[Mr. Hope Jones] the other hand, Government has reason to believe that by that time a good many housing projects at present under construction will be ready for occupation, and so we hope that to that extent the room position in centres such as Nairobi will be somewhat eased.

MR. VASEY: Arising out of that answer, can the hon. member tell us when Government will implement the undertaking to turn the control and licensing Ordinance of 1948 into a licensing measure only?

MR. HOPE JONES: The answer to the hon. member is that Government is already considering how best that object can be achieved, and the matter will shortly be referred for advice to the appropriate body.

MR. HAVELOCK: Are there any areas in this country, especially agricultural up-country, where accommodation is so easy that hotel control can be suspended immediately?

MR. HOPE JONES: On that point, Mr. Speaker, we prefer that the experiment should be carried out on a basis that will give us a definitive reply. (Laughter.)

MR. VASEY: Arising out of that hon. member's answer to my question, I took him to say that the question passes from the sphere of consideration to the sphere of active consideration? (Laughter.)

MR. HOPE JONES: I am most grateful to the hon. member!

#### No. 76—LORRY OFFENCES

MR. COOKE:

Will Government instruct the Commissioner of Police to take action against military and Public Works Department lorries against which there are many allegations of speeding, mechanical deficiencies, lack of mirrors, etc?

MR. O'CONNOR: The Commissioner of Police will be instructed to continue to take action against military, Public Works Department and all other vehicles which contravene the traffic laws and to continue, in conjunction with the Military Police, to check offences by military vehicles, exercising discretion, as at present, whether military offenders can more

suitably be dealt with by the civil police or under King's Regulations.

A second traffic officer has recently been posted to the Coast Province.

#### No. 83—DONDORA ROAD, NAIROBI

MR. MADAN:

Is Government aware of the horrible state of the road of access to the Dondora area proceeding from the Eastleigh aerodrome? If so, will Government state what measures will be taken to improve conditions so that the Indian farmers and others living in this area will be able to enjoy reasonable transport facilities?

MR. MORTIMER: The answer is in the affirmative—(laughter)—but this road is not a Government responsibility. (Laughter.) The attention of the Nairobi Municipal Council is being drawn to the state of the portion of this road which lies within municipal limits. The Nairobi District Council is already aware of the poor condition of that part of the road which lies within their jurisdiction and of the importance of providing reasonable transport facilities for those farmers who are served by the road, and with a view to rectifying this state of affairs have made application for a special grant to bring the road up to a district council standard.

#### COMMITTEE OF SUPPLY

##### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

#### Heads 14 and 14A—Accountant General's Department

MR. MATTHEWS moved: That Heads 14 and 14A, Accountant General's Department, be approved.

LADY SHAW: Mr. Chairman, I am really asking for information more than anything else. I am very anxious to know whether we are tied for ever to the chariot wheels of colonial accounting in all departments of Government? Apart from the fact that I think it is extremely cumbersome as well as expensive, there are many items in these estimates which can be ill served by colonial accounting. I am thinking particularly of the Mach-

[Lady Shays]

inery Pool, the Egerton School and so on, and unless some alteration is made in point of detail the whole of this type of thing is being dealt with in such a completely hopelessly cumbersome way that it is practically impossible to rug the show. Would the hon. Financial Secretary tell me what the position is?

MR. NATHO: On a point of information, I should like to know from the hon. Financial Secretary the reasons for the extraordinary rise in the clerical staffs, both Asian and European, in this department, and tell us whether something has arisen during the past year which has necessitated this increase to such a large extent?

MR. BLUNDELL: Mr. Chairman, I think everyone in the Council is aware of the tremendous delays which occur in this department. There are reasons, we are told, but would it be possible for Government to take advantage presented by an industrial consultant being in this country to tackle the problem? (Hear, hear.)

MR. MATTHEWS: Mr. Chairman, in regard to the point raised by the hon. Member for Ukamba, there is a good deal to be said for the colonial accounting system, I must say, but I agree that it cannot always be applied in specific cases with success, and I am prepared to look into the question as raised by her.

With regard to the point raised by the hon. member Mr. Natho, the position is that there has been a general revision of war pensions and that will mean a very considerable amount of work in recalculating war pensions and, of course, the necessary staff has to be taken on for that work. The staff, of course, will be temporary. Similarly, the Accountant General's Department has taken over a certain amount of work on behalf of the High Commission. In the case of both the High Commission and the war pensions there will be corresponding reimbursements; in the case of the High Commission by that body, and in the case of the war pensions partial reimbursements by Uganda and Tanganyika.

With regard to the point raised by the hon. Member for Rift Valley, it is true, of course, that the position in this department is not as satisfactory as I

should like to see it, and this is one of the questions I am burning to get down to, but I shall have to restrain my impatience until this honourable Council has concluded its discussion of the estimates! With regard to the specific point raised, the consultants have, in fact, undertaken a preliminary survey of the department and the results are being considered, and possibly I shall ask them to have another look, but the matter is under very active consideration.

The question was put and carried.

#### Head 15—Loans from Revenue

MR. MATTHEWS moved: That Head 15, Loans from Revenue, be approved.

MR. VASEY: Mr. Chairman, I have only one question to ask on item 4, loan to the East Africa High Commission, which I see is for the purpose of building staff houses, at three per cent interest. I take it that it may well be possible that if the rate of interest at which we can borrow money in 1950 and 1951 is higher than three per cent the rate of interest charged the High Commission will be adjusted accordingly?

MR. MATTHEWS: I agree with the hon. Member for Nairobi North that the rates of interest at which we shall be able to borrow money may or may not be three per cent but, as far as I am aware, in this particular case the question of terms has been fixed, and whether we shall be able to readjust in the light of the rates of interest at which we shall be able to borrow money is a moot point, but I shall certainly have the matter examined.

MR. VASEY: In view of the answer of the hon. member, I would ask him that in future negotiations of this kind he will bear in mind that it is entirely wrong, in my opinion, that we should lend money at a lower rate of interest to the High Commission, and to some extent therefore to the other territories, at a lower rate of interest than that at which we can borrow.

MR. BLUNDELL: My recollection is that this matter came before the Standing Finance Committee, and they made a rider to the effect that if the interest rates changed the matter should be reconsidered, so that I do not think the answer given is quite correct.

MR. MATTHEWS: I do not think I was actually. I think the hon. member is referring to a loan made to the East African Airways Corporation in respect of aradio, but I am open to correction. I do agree with the view point of the hon. Member for Nairobi North that it is unsound in principle to loan a body like the High Commission money at a lower rate of interest than that at which we can borrow ourselves, and I shall certainly bear that principle in mind in future cases.

The question was put and carried.

#### Heads 16 and 16A—Inland Revenue

MR. MATTHEWS: Mr. Chairman, I beg to move: That Head 16, Inland Revenue, and Head 16A, Inland Revenue Extraordinary, be approved.

MR. HAVELOCK: Mr. Chairman, I merely wish to ask two questions. I see from the memorandum that a central poll tax registry is being set up under this department. May I ask if that registry will be of assistance should Government accept the principle of a graduated poll tax, or is it only being useful with the present system of poll tax?

Also a small question on the matter of temporary clerical assistance. I see from the memorandum that that temporary clerical assistance is necessary until the department is fully mechanized during 1950. May I have an assurance from the hon. Financial Secretary that temporary clerical assistance will not appear in the 1951 estimates?

MR. MATTHEWS: Mr. Chairman, with regard to the question raised by the hon. Member for Kiambu relating to the machinery, I think that is a slightly fast one, and I shall have to ask for notice of that question. On the whole I should say it would be useful, but I would not like to commit myself. Neither should I like to commit myself to the second point raised by the hon. member. Certainly any temporary staff which is now in being in this department because the department is not fully mechanized will be dispensed with when the department does achieve that particular status, but whether or not we shall need next year temporary staff for some other reason I cannot possibly say. But I can assure him that the temporary staff which is here for the reason of mechanization will

definitely be dispensed with when that mechanization has been achieved.

The question was put and carried.

#### Head 17 and 17A Miscellaneous Services

MR. MATTHEWS: Mr. Chairman, I beg to move: That Head 17, Miscellaneous Services, and Head 17A, Miscellaneous Services Extraordinary, be approved.

MR. MATHU: Mr. Chairman, I should like some information on item 4, "Destitute Persons, Maintenance of, £5,000". I ask this because I am not quite clear how far this goes in regard to destitute persons, and in that connexion I should like to ask whether that vote would be intended to cover the question or removing an increasing number of beggars from the streets of Nairobi—Government Road, River Road and Harding Street, and now Delamere Avenue—sitting down begging? Is it intended to cover that, or is there any intention on the part of Government to institute an almshouse for these people?

MR. HAVELOCK: Mr. Chairman, I want to raise a question on item 19, Postal Services. According to my calculations, postal services are going to cost this country a very great deal more than last year and the years before. Postal charges are spread through every department under each head, and it seems to me that this is a rather large sum of £39,350 included under Miscellaneous Services. According to what I can calculate, it is costing us something in the region of £65,000 altogether in postal services, and we get back from the Post Office £50,000 for rents of buildings. Last year under this Head the vote was £25,000, so it has been stepped up by £14,380, which makes just the difference between slight revenue to us and an expenditure. In other words, we are losing money this year as against making a bit last year.

I realize that last year it was a figure which was more or less guessed at as a thorough investigation had not taken place within the Post Office as regards the cost of supplying the service, but I do feel that this is an extremely heavy increase and I should be glad to hear definite reasons for it from Government and, if the reasons are not satisfactory, I might wish to move a reduction.



MR. VASEY: Mr. Chairman, I wish to raise a point on item 9, and at the same time to give notice of a possible amendment to item 6 of 17A.

On item 9, passages, at the time of the debate on the East African Salaries Commission the question was raised from this side of Council that Government should consider the possibility of allowing young officers in particular to commute their overseas leave by taking the payment of money for the period of leave due to them and waiving the passage allowance. This was suggested from two points of view. One we have continually heard, and I am sure that those of us who mix with those people know that very often the junior Government official regards the period of leave with dread anxiety because it is a period in which he lands in debt. On the other side there is the point that with some groups of people this is their home, and I think it is possible to find places that are acceptable as a change inside these territories. We therefore feel that we would like to know whether Government is giving consideration to such a proposition.

I should like to speak of the experience I have had as Chairman of the Finance Committee of the Nairobi Municipal Council, where we have adopted this policy during the past 18 months to 2 years. The result has been that quite a number of junior officers have been allowed, on the production of a medical certificate, to take their six months' leave and continue at work in the Colony; thus, indeed, running their tour to a period of eight years with, of course, annual leave in the Colony. It has saved the Municipal Council the cost of the passage money. We have already been able to save in the 18 months several thousands of pounds. I do therefore commend this suggestion to Government and hope it will be given consideration.

At a later stage, if the hon. Member for Trans Nzoia is not present, I wish to move an amendment to item 6 in Head 17A.

MR. PADLEY: Mr. Chairman, with regard to the point raised by the hon. Member for Kiambu on postal services, it is true that there has been a large increase in the provision under this item, and indeed the related items throughout

the estimates. As the hon. member himself said, the figure for 1949 was little more than a guess, and that was explained at the time by the then Financial Secretary. The provision throughout the estimates this year is of the order of £84,000. Now, whether we like it or not, the Post Office is now a self-financing department. It has become a self-financing department as a result partly of a resolution of this Council, and it is right and proper that the services which a self-accounting department of that nature renders to even a Government department should be paid for.

The picture is not entirely one sided because, of course, the Post Office now bears the cost of its own passages and pensions, and both our passages and pensions votes would be increased had we still had to bear these costs for the Post Office. I agree that the position should be very carefully watched, but the days are rather early in which to make any specific pronouncement on the point.

MR. USHER: Mr. Chairman, may I be allowed to revive the question which I think was originally raised by my hon. friend the Member for the Coast? That is, whether Government would consider making provision for the payment of return passages to civil servants on leave pending retirement, on some such condition as that they should on coming back to the country reside in it for three years, or some such period. The arguments in favour of such a course would be that, if the provision of such facilities were known to them, quite a number might decide to come back to Kenya. We would then have the advantage of having about 90 per cent of their pensions expended in the country, and of course the income tax on those pensions. I have not been able to trace in the record what reason was given against it, if any, and I do quite seriously commend it as a reasonable suggestion to Government.

MR. HOPKINS: Mr. Chairman, in the debate on the Salaries Commission Report I brought up much the same proposition as has been put forward by the hon. Member for Nairobi North. Government would not accept it. All they wanted was that officers should be given an alternative of getting their expenses paid in this country to any place where they would like to spend their leave. It seems to me to the advantage to

[Mr. Hopkins] the country in many ways is that they should spend their leave here, if there are no medical objections, and one of the greatest is, of course, that they would spend such money as they had saved up for their leave in the country. I should like to support very much the suggestion of the hon. Member for Nairobi North.

MR. MATTHEWS: Mr. Chairman, as regards the point raised by the hon. member Mr. Mathu, my information is that it is not the function of the committee which operates this fund to remove beggars from the streets of Nairobi. On the question of almshouses, I am not quite clear in my mind whether it is the responsibility of Government or whether it is the responsibility of the local government. Certainly, if there is any pressure for an almshouse of that nature the Government is quite prepared to consider the proposition.

On the point raised by the hon. Member for Nairobi North, of course this is not in force in Government, but if there is any call for it, if officers are inclined in this direction, I can only say that this Government is very well prepared to consider the matter. As the hon. member says, the fact that these people do not use their passages does represent a very considerable saving, and I would welcome anything which would reduce expenditure in that way.

With regard to the point raised I think by the hon. Member for Mombasa, concerning the payment of a passage back, to induce retired people to come back to this country, I am not sure that Government could consider that with any great favour. It seems to me that the inducement to come back at present certainly is greater than that provided by any particular grant of a passage; so in those circumstances I could not give an assurance that Government would be prepared to consider such a proposition.

MR. VASEY: I should like the hon. Financial Secretary to consider from the Government point of view putting forward to the officers this possible alternative.

MR. HAVELOCK: On the matter I raised of the postal service, I should like to be clear in my mind. Will the hon. Deputy Financial Secretary confirm that

the rise in the cost to Kenya of the postal services is in the region of £60,000 compared with the 1949 figure I was given, and that £84,000 is approximately the total cost throughout the estimates this year against £25,000 the cost to us last year? If these figures are correct, I should like an assurance that they are correct, and I suggest to Government that it is an extremely large rise, and it is a matter of the greatest importance that it should be looked into immediately.

MR. PADLEY: I have said that the increases in the 1949 estimates were of a very tentative nature, and that was admitted I think during the debate. Even the present figures cannot be guaranteed as to their accuracy, but they are as near as anything we can get. The matter is factual, of course, and departments will pay for all the telegrams or telephone messages they have in accordance with the rates laid down. Certainly the position will be watched—I can give that assurance without reservation.

MR. VASEY: Mr. Chairman, item 6 of Head 17A, I should like to speak on this matter, and after the hon. Financial Secretary has replied, the question as to whether an amendment moving its deletion shall be put forward from this side or not will be considered, but I will leave that to our leader, the hon. Member for Trans Nzoia. I should like at this stage as a matter of precaution to invoke the half-hour policy rule.

THE CHAIRMAN: Are you definitely moving to omit an item or to reduce it?

MR. VASEY: Not until we have heard the hon. Financial Secretary's reply.

THE CHAIRMAN: Then the question of half hour does not arise until you have heard him.

MR. VASEY: As I understand Standing Rules and Orders, if I wish to speak for more than 10 minutes I can invoke the permission of Council.

THE CHAIRMAN: That is on your way of putting it, but I do not propose to allow a half-hour speech without a definite motion either way.

MR. COOK: The hon. member's point is that he wants to speak on policy.

MR. VASEY: Mr. Chairman, I wonder if the hon. Member for Finance would care to deal with the points of inquiry that I made with regard to the desirability of making the sinking fund, or renewals fund, bear some relation either to the life of the loan or to the life of the asset? My hon. friend the Member for the Coast has referred to the fact that we had to find the money. The point is that, whatever has been done in the past, let us agree that it will be easier in the future to find money year by year than to find it in one fell swoop again. Because of that I should be grateful if the hon. Member for Finance could give us the benefit of his opinion.

MR. MATTHEWS: Mr. Chairman, I apologize to the hon. Member for Nairobi North for omitting that point. I fully intended to deal with it. I agree with him that sinking fund charges should—in principle and in general be related to the life of the loan, and that amortization should in general be completed when the life of the loan has expired. This point, as a matter of fact, was taken up by myself when I was in London on first appointment, when I examined the loan position in consultation with the Crown Agents. I was myself somewhat surprised to find that a sinking fund contribution of one per cent was employed irrespective of the life of the loan.

There is, of course, something to be said for having a lower rate than is required to effect complete amortization where the life of the asset is very much longer than the life of the loan. Those are two aspects of the matter which need very careful consideration, and I do undertake that immediately the affairs of this Council permit I shall certainly examine the whole situation and see what policy is really desirable in regard to this particular part of our finances.

THE CHAIRMAN: Is it a fact, I must ask the hon. Financial Secretary, that the one per cent sinking fund has been fixed by law?

MR. MATTHEWS: It is fixed as a minimum. The sinking fund contribution cannot be less than that.

THE CHAIRMAN: There is an administrative power to vary it, that is all?

MR. MATTHEWS: There is, sir, but only upwards.

THE CHAIRMAN: Otherwise it is all out of order.

MR. VASEY: In view of the statement made by the hon. Member for Finance, and having secured the object of moving the amendment, I beg leave to withdraw. (Applause.)

THE CHAIRMAN: I do not want of course to be accused of putting brakes or obstacles, or anything else, in the way of hon. members, but I will just read out one sentence from May, which is under the heading of "General restrictions on debate in Committee of Supply". It is this: "the administrative action of a department is open to debate, but the necessity for legislation and matters involving legislation cannot be discussed in Committee of Supply". Where we find the dividing line is sometimes a bit difficult.

MR. VASEY: I would respectfully suggest that everything I have talked about is due to administrative action.

THE CHAIRMAN: That is why I asked the question whether the one per cent was fixed and why I did not call you to order. But you do get very near it at times and it is very difficult, and if I do say something now and again and say what is in my mind, perhaps you will understand if I venture to interrupt.

MR. MATHU: Mr. Chairman, I think the hon. Member for Finance did not quite fully reply to my question on item 4. My question was how far does this £5,000 go. If, as he replied, this sum is not intended to be administered in such a way that it removes these beggars from the Nairobi streets, who are these other destitute persons who are covered by this vote? I, and I think a number of us, are seriously perturbed by the increase of these beggars in Nairobi. If it is not the function of the central Government to see that these persons are so carefully looked after that they do not need to go on the streets and beg, then it is important that we should know who is responsible, because I think it is a disgrace that we should encourage these people to sit and beg day in and day out. I submit that we have a clear case here which needs looking into, so that these people are removed from the streets of the city to be. On the other question of an almshouse, the hon. member did say that possibly this is a func-

(Mr. Mathu) tion of the local authority, and he was good enough to say that, if the matter is pressed, Government will consider it.

THE CHAIRMAN: The hon. member is getting a long way away from the item. There is no motion, you know, except to approve the head, and you are simply supposed to be asking a question about this item, for information. You are making a speech advocating legislation for an almshouse, which would at least require an Ordinance.

MR. MATHU: In that case I should like to move, in order that I can take the opportunity of discussing this, that this item be reduced by £1,000.

THE CHAIRMAN: That will not give you the opportunity to propose matters which will require legislation in future. You must have some strictness in this debate. I must ask for it.

MR. RANKINE: Mr. Chairman, this is a matter in which the hon. member has raised questions which go far wider than the implications of this actual vote, and I would suggest that it would be better if he put down a motion on the subject.

THE CHAIRMAN: It is always open to him to do that in Council, not in Committee of Supply.

MR. MATHU: May I ask if the hon. member would be good enough to reply from the point of view of the administration of the £5,000. How far does this sum go? If it is not intended to remove beggars from the streets, who are the destitute persons who receive this sum?

THE CHAIRMAN: That is all right.

MR. MATTHEWS: Mr. Chairman, I find the question asked by the hon. member a little confusing. The question was put in this way: if this sum is not to be used for the removal of beggars from the streets, who are the destitute persons? Well, sir, I can only confess that I have made a considerable attempt to get at the administration of this sum of money and to find out precisely what is being done in the matter. The answer is, of course, that in general, so my information goes, this money is used to assist destitute persons in order to keep the wolf temporarily from their door, but it certainly is not the intention that

this sum of money should be used to eject beggars from the streets. If a man is poor and finds it impossible for him to get back to his location or town, there is nothing to stop him from applying to this committee for assistance, and if this committee grants that assistance, of course he gets back to his location or town and is no longer on the streets of Nairobi. To that extent, this sum of money is used for the purpose referred to by the hon. member, but it certainly is not used in order to employ compulsion to remove the beggars in general from the streets of Nairobi.

MR. O'CONNOR: Mr. Chairman, may I say that vagrants are dealt with under the Vagrancy Ordinance and certain subsidiary legislation, and I do not think that that matter really arises in this debate on this item.

MR. OIHANGA: Mr. Chairman, we have not received the information for which my hon. friend asked. It was, simply who were the people that received this money this year and last, what type of destitute person receives this money?

MR. MATTHEWS: If the hon. member is still not satisfied, I will undertake to give him any information he might like at any time, if he will refer this matter to me after these debates have finished.

The question that Heads 17 and 17A be approved was put and carried.

Council adjourned at 11 a.m. and resumed at 11.25 a.m.

MR. BLUNDELL: Mr. Chairman, I rise to draw attention to what I believe is an error in these estimates, and as it is important that hon. members on this side of Council should have confidence in the estimates—(hear, hear)—I rise to draw attention to it. Last year we deleted the contribution to the pension reserve fund of £150,000, but in effect it remained in the estimates, in order to save Government the trouble of reprinting the whole of the estimates. Therefore in removing a figure which should never have been there, performing an arithmetical calculation, the decrease is not £42,000, etc., but an actual increase of £107,215.

MR. MATTHEWS: The hon. member is quite correct, but it is not an error. As far as by memory goes my hon. predecessor agreed that, while the sum of

[Mr. Matthews] £150,000 could remain in the estimates, in order to obviate their being reprinted, he took steps to see that such a sum was not included in the General Warrant, so that no expenditure could possibly take place against that. In these circumstances I am afraid that, since the estimates were passed in that way, it is inevitable that for general purposes we must repeat the figure this year.

MR. BLUNDELL: Nevertheless, the hon. member will agree with me it is not a decrease but an increase?

MR. MATTHEWS: I am not a Wrangler, but I think my arithmetic could go to that length. I can agree with that. (Laughter.)

The question was put and carried.

#### Head 19—Public Debt

MR. MATTHEWS moved: That Head 19, Public Debt, be approved.

The question was put and carried.

#### Head 20—Rent and Interest to H.H. the Sultan of Zanzibar

MR. MATTHEWS: Mr. Chairman, I to move: That Head 20, Rent and Interest to H.H. the Sultan of Zanzibar, be approved.

MR. JEREMIAH: Mr. Chairman, would the hon. member please inform us the position regarding this Head?

It appears to me that there was some agreement between the British Government and the Sultan of Zanzibar whereby this Government would pay the Sultan this amount, but my information is that the Sultan of Zanzibar also had some agreement with the people of the Island whereby those people were receivers of some amount of the revenue of the Island from the Sultan. These agreements were kept on for years and they were still carried on when the British Government came into the country. The people were receiving direct contributions from the British Government when the Sultan's jurisdiction ceased on the Island.

I have a copy of one of the agreements between the Sultan of those times and the people, and with your permission perhaps I may read it. It is a translation from the Arabic: "I, Suleiman bin Said,

declare and I am in the state of being needy to the Almighty God, that Sheikh bin Mshirazi receives one hundred and fifty Riyales (150 Riyales) for himself only; and two hundred and fifty (250) Riyales for his people and those who assist him. This money, mentioned above, is made payable to them by our Protector, Said bin Sultan in lieu of their agreeing to introduction of customs duty. The said money will be paid by our beloved Ziram, or anyone else, who leases (the Island of) Mombasa. The money aforesaid will be deducted from customs revenue. Let Him Know, who sees this document. Dated 6th Rabiil Awal (Mfungo Sita) 1255. He has written this document, Suleiman bin Hemed, the Humble in his own hand. What was passed by my (brother) Suleiman is correct and valid for ever. Written by, the Humble (Said Bin Sultan). This order is to be carried annually for ever."

That agreement, according to my information, was carried on up to the first great war, 1914-1918, when it ceased. Those people tried to approach Government to find out exactly why the payment ceased, but no satisfaction was received from Government. I should like the hon. mover to tell us whether there is any possibility of paying these people their due, according to the agreement. If so, can Government please help those people to get the money paid, because they are not getting the money now? If not, is the money being kept by Government for some other purpose, because I do not believe such money can just disappear. Furthermore, I am not happy to see Government paying such money to a person who is not in the country. Serious consideration should be given by this Council whether it would not be advisable to recommend that a sum of money be provided to pay off the debt altogether, and let us once for all do away with the perpetual reminder of the old slave days.

MR. MADAN: On a point of order, is the Committee concerned whether H.H. the Sultan of Zanzibar discharges his obligations towards his people or not?

MR. MATTHEWS: Mr. Chairman, the last speaker has in a sense made the point which I was about to make. I do not think this Council, certainly this Government, has any concern with any

[Mr. Matthews] agreement that exists or existed between H.H. the Sultan and his subjects. I suggest that that question does not fall to be answered at all in this Committee.

With regard to the second point made by the hon. member Mr. Jeremiah that we should in fact capitalize the interest we are paying and pay it off in one lump sum, if we did so this generation would be paying in one lump sum on behalf of posterity. One might say, as has been said in this Council, that posterity has done nothing for us, why should we do anything for posterity? My own view is that we will consider the point, but it would certainly have to be the subject of a motion in this Council. Certainly without the authority of this Council I should not like to make any such calculation of any such payment.

MR. COOKE: Surely the hon. gentleman does not know the situation. The land is only leased by the Sultan of Zanzibar to the Government of Kenya. There is no possibility of paying it off. Actually the Sultan is very kind, because with the fallen value of money—if I may say so within these four walls—I think he might well have asked for a bit more.

MR. MATTHEWS: I apologize to the hon. member for not making myself clear. I took it the hon. member Mr. Jeremiah was referring to the second item of this Head and I was in fact replying to that. (MR. COOKE: I am sorry.)

MR. JEREMIAH: I am afraid that the hon. mover did not understand my point. He refers to the responsibility of the Sultan of Zanzibar for paying the people, but actually the responsibility, as far as I know, was handed over to this Government. Those people were receiving that amount from this Government up to 1918. May this Committee be informed whether that responsibility was handed over by this Government to the Sultan of Zanzibar?

THE CHAIRMAN: I suggest you raise this matter on some other occasion. It is hardly a matter for the administration of this particular money. It is a more general question which might be raised at a later stage by a motion definitely in the Council, not in Committee of Supply. I will put the question, that Head 20 be approved.

The question was put and carried.

#### Heads 21 and 21A—Subventions

MR. MATTHEWS moved: That Head 21, Subventions, and Head 21A, Subventions Extraordinary, be approved.

MR. USHER: Sir, a short time ago I addressed a letter to the hon. Member for Agriculture with regard to the finances of the local branch of the Society for the Prevention of Cruelty to Animals in Mombasa. It is in sore straits and I am rather afraid that unless some help is forthcoming, we shall have to dispense with the services of the inspector, which would be a very great pity. I think I may say that the Island has done what could be reasonably expected of it and perhaps a little bit more.

MR. RANKINE: On a point of order, may I ask what item the hon. member is referring to?

MR. USHER: Subventions policy. (Laughter.) I therefore was wondering whether I might ask the Government to consider an addition to subventions of a small sum amounting to £250 to keep the thing alive down there? I dislike intensely suggesting further expenditure to the Government, but my excuse must be that we are in sore straits, that an amount has been given, and that it is a very little one.

MR. ERSKINE: Sir, speaking on the general principle of subventions raised under this Head 21, may I ask that Government, when next they are ruminating on this question of subventions and who shall have them, would give some thought to the question of the East African Conservatoire of Music? This Conservatoire, which was founded in 1944, the trustees of it seem to think—and I am sure that they have some reason for it—that there was some promise by Government that if and when they were able to get themselves well established that they could look to Government for some help. They now have 186 pupils, and I would like in conclusion to say that the Conservatoire is entirely non-racial, it is for all people, and some of the most successful pupils have been not only Europeans but also Asians and Africans.

THE CHAIRMAN: I do not think hon. members should take up the time of Committee by asking for grants for particular things. It is obvious that we are

[The Chairman] dealing here with an estimate of expenditure which it is proposed to make and we are here to criticize the details of that expenditure, not to take up the time of Committee by advocating our pet charities, or our pet societies.

MR. BLUNDELL: Shall I be in order, now, sir, in moving to an item under this head?

THE CHAIRMAN: Certainly, move the deletion or increase.

MR. BLUNDELL: Item 10, might we know what is the intention? Is this to be a yearly sum that is going to appear from now onwards? I would like to know the policy behind the grant of £6,000. And secondly, would the hon. Member for Agriculture explain why we have two items here dealing with locusts and two items dealing with locusts in the East Africa High Commission. Could there not be a saving by possibly correlating the whole of the activities under one head?

MR. MATTHEWS: Mr. Chairman, with regard to item 10 which has been referred to by the hon. Member for Rift Valley, the position is this: that there is one bridge from the Island of Mombasa to the north. That bridge was constructed by a company known as Nyali, Ltd., and the agreement which was entered into between the Government and the Nyali Ltd., of that time, that is to say up to 1931, provided that the company could charge tolls on various forms of traffic that crossed the bridge. Recently there have been considerable complaints that this does, in fact, act as a restriction on free access to the north, and Government, having considered this, thinks that the people of Mombasa Island have some case in this matter. Government has, therefore, attempted to make provision for a reduction in those tolls and in order to secure the agreement of the company it will, of course, be necessary to pay them some sum related to the reduction in revenue that it will suffer if the tolls are reduced.

The negotiations are still current. They have proved more difficult and delicate than we had hoped but the item that appears here represents the sum which the Government considered would be a reasonable subvention to the com-

pany, to make a reduction in the tolls by 50 per cent in the case of ordinary vehicular traffic and the total abolition in the case of foot traffic. With regard to the future and how long this will go on it is rather difficult to give a definite answer at this stage. All sorts of possibilities are in mind: we might, for instance, purchase the bridge outright; we might, of course, build another bridge, but so far we have not yet crystallized our examination to the stage of a definite decision.

MR. BLUNDELL: Arising out of that answer, sir, I would at least like to record my view that I personally could not tolerate this item in the annual estimates year after year, and I think it is necessary in some way to liquidate the position of the bridge.

MR. HAVELOCK: Under that item may I ask whether the Mombasa Municipal Board makes any contribution to the lowering of the tolls?

MR. BLUNDELL: Fifty-fifty.

MR. MORTIMER: Mr. Chairman, the answer is in the negative.

MR. VASEY: Mr. Chairman, as this may be taken at its best as a main trunk road to which the local government authority would contribute to some degree, may we ask if Government will approach the local government authority concerned to see whether some contribution cannot be obtained?

MR. USHER: Sir, a good deal of heat is likely to be generated on this question I can see, before it is finally disposed of, but may I just at this moment pour a little oil on the troubled waters, or a little cooling medicine. May I administer the medicine by pointing out that the toll system of itself is bad finance and thoroughly objectionable, and that whoever pays is not immediately the question. May I ask for an assurance that the tolls will be regarded as bad finance and a costly way of administering the roads and ferries and bridges and that Government will consider doing away with them as early as possibly? (Hear, hear.)

MR. MATTHEWS: It is rather difficult to agree with the hon. member that the tolls are bad finance. They might be bad administration, but the question of

[Mr. Matthews] finance surely is a matter of expenditure and revenue. If a special service has to be provided and that service has to be financed, the question of whether attempting to get some revenue in order to offset the expenditure is bad finance is almost a question of arithmetic, and I cannot possibly give the hon. member an assurance that Government will consider tolls as bad finance.

MR. VASEY: Might I just raise one point on item 29? This is a matter on which there is a contribution from the local government authority as well as from the central Government. I would like an assurance from the hon. Member for Finance that the inclusion of the figure of £1,700 here does not mean that Nairobi evening continuation classes will regard it as being the expenditure that they can use? The figure that I think has been set for the Nairobi Municipal Council as their share of the subvention is £1,300, and I think that the Finance Committee which set to work with regard to the fees that were charged and the general administration of these classes could keep the Government figure down to £1,300 also. I trust that that object will be one that Government will strive to attain.

MR. MATTHEWS: As the hon. Member for Nairobi North is aware, the finances of this institution got into rather a bad state, and in order to straighten them out it was found necessary to increase the grant for the coming year to £1,700. At that time it was made quite clear that we were not satisfied that the thing was being run properly from the financial point of view, and as a condition of the extra grant, which was *ad hoc* for one year only, at this increased rate, we got accepted that one of our financial officers should be on the committee of this institution, and his function will certainly be to bring those finances into proper order and to see that the question of fees balancing expenditure will be given due attention.

MAJOR CAVENDISH-BENTINCK: A point was raised as to why are there two entries, item 16, International Red Locust Control Scheme, and item 19 dealing with the Control of the African migratory locust, and I was asked why we could not have one entry to cover both those schemes. I would draw the

hon. member's attention to the fact that on page 183 there is yet a third entry for locusts and that deals with the desert locust. There are three types of locusts. Since the war they are being dealt with under three different schemes because the headquarters have to be in areas in which those particular types of locust originate. The desert locust comes from Arabia right across to the north and the headquarters of that particular service are there, and that is a High Commission service. That is why you find that provision for that on page 183. The red locust headquarters are down south in Northern Rhodesia. That locust does not really affect Kenya very much but it comes into Tanganyika and the Congo, and as they have always helped us very much with our troubles we help them with such knowledge, information and money as we can on the red locusts. The migrant locust comes from the west coast and their headquarters are on the west coast.

The question was put and carried.

#### Head 22—Office of the Member for Agriculture, Animal Husbandry and Natural Resources

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, in introducing the estimates of the department which comes under my general control, I do not propose to say very much because I have already taken up a very considerable part of the time of the Council when we had the earlier debate on the estimates generally. I would, however, just like to give a précis to hon. members of the general pluses and minuses as regards current expenditure of this Colony—expenditure on departments which come within my portfolio.

As regards Heads 22, 23 and 23A, that is to say the expenditure incurred by the Office of the Member and expenditure incurred by the services under the Member, we show a net decrease of £9,045. There is a decrease in the Machinery Pool of £13,356, and the decrease which I mentioned includes the fact that there have been normal increments amounting to £1,339. We have to have a very large provision for leave this year, as it so happens that a number of my staff are going on leave at the same time—£2,000—and there is a new item which has appeared in all departments where we

[Major Cavendish-Bentinck] now have to have a specific charge for postal services. I mention this particularly because last year I gave an undertaking to try and reduce, especially my own Office, by £1,600. We actually achieved that by a reduction in the number of clerks and other people, but I am afraid most of that reduction was swallowed up by the salary increments under the Salaries Commission recommendations. Nevertheless, there is a decrease on the whole of £9,000.

As regards Head 24, the Agricultural Department, in the ordinary expenditure there is an increase over last year of £13,976. There are a number of new items which we will come to when we deal with the sub-heads. In addition to those, the normal increments amount to £12,167. Why the increase is not greater is that the Mombasa cold storage has ceased to exist and the maize conditioning plant has been handed over to the Maize Control, and that has given us a chance of making some saving. In the extraordinary expenditure there is a decrease of £350.

Under Head 25, the Forest Department, there is a considerably bigger increase, an increase of ordinary expenditure of £26,642. Of that increase I would point out that £16,000 is in respect of normal increments and the expansion of the department in accordance with the accepted plans of the Development Committee. I believe it may be said that the accepted plans of the Development Committee suggest a ceiling of £150,000, and here I am proposing expenditure of £167,000. I would point out first of all that the ceiling of £150,000 was suggested before the Salaries Commission recommendations were put into effect, and that alone of course makes a very considerable difference. Another point is that it has been decided that the local native council forests, that we are now beginning to take under our wing and look after, would be outside the normal reforestation programme and the expenditure on those alone this year amounts to £15,435, so if you take normal increments plus making allowances for the local native council forests, you will see we are not exceeding, we have not even reached, the maximum that is suggested.

I would also point out that we have now taken over the recurrent expenditure

from the Development and Reconstruction Authority development programme. That is to say, that the staff necessary for conserving, planting and carrying out the Development and Reconstruction Authority's reforestation programme is now being carried in the current expenditure budget, and that is considered a proper provision, because, after all, forestry is a very long-term business and it is no good spending a lot of money on plantation unless we realize that we have got to spend money on looking after this plantation.

Under the Game Department, Head 26, there is a net increase in expenditure of £7,379, but there is a decrease in the extraordinary expenditure over last year's figure by some £3,550. The increases here are due to the strengthening of the game control staff, and members may remember that we have had debates in this Council on that subject and an increase of staff was agreed.

In the Veterinary Department, Head 27, there is a very big increase indeed. There is a net increase of ordinary expenditure amounting over last year to £91,487, and there is a net increase in extraordinary expenditure amounting to £14,850 over the extraordinary expenditure in last year's estimates. But this increase in ordinary expenditure, £54,193—and I think you will find allowances for this in the motion on the estimates—is in respect of Kenya taking back and taking over the biological laboratory at Kabete. Normal increments account for £10,972, and new staff accounts for about £20,000. I will deal with the new staff in detail when we deal with the sub-heads, but in general it is that in order to implement the Dipping Ordinance we have had to engage a number more stock inspectors and, furthermore, in order to staff a number of new centres in African areas which have been approved, again we have had to engage a number of new staff and very badly required they were. A further item which swells this big increase is Hides and Skins Services, £4,955, but that is reimbursed from the cess which has been imposed on hides and skins.

I think that gives a rough précis of the increases and decreases of estimates which I am submitting to Council. I would add that, of course, it is in some ways difficult to give a real picture of

[Major Cavendish-Bentinck] the activities of the departments that come under my control without taking into account Development and Reconstruction Authority expenditure as well, because a lot of the development work on which we are engaged is of course financed from Development and Reconstruction Authority funds. Nevertheless we shall have an opportunity of discussing that in other estimates.

With those introductory remarks I would like to move that Head 22, items 1 to 10, be approved.

MR. BLUNDELL: Mr. Chairman, I wish to speak on the policy of agriculture, despite—

THE CHAIRMAN: Do you prefer half an hour?

MR. BLUNDELL:—Despite the desire of the hon. Financial Secretary to get on with the Accountant General's Department I want to claim the half hour!

I will divide what I want to say into three. First, the present state of agriculture as I see it; secondly, the steps we should take to remedy that state; and thirdly, some remarks on agriculture generally.

All is not well with our agricultural industry, and it needs emphasizing here because I do not think the country as a whole has realized that. We have been for some years now drifting in our policy towards agriculture. During the war we had a positive policy designed to produce more food at all costs, but with the end of the war we have allowed our policy on agricultural matters generally to drift, and I should like to emphasize in all the remarks that I am making that I am speaking for all farmers, not only Europeans, because in the economy of the country every farmer of whatever race is trying to contribute towards the general development and welfare of the Colony.

At the present time, as I say, we are suffering from a lack of planning in agricultural policy. It may well be asked: What should be our aim? There is only one aim: that is, to produce a balanced agriculture. Nothing else is any good to anybody. We are not producing that balanced agriculture for the simple reason that we have lived constantly for the last two or three years on a policy

of expediency largely governed by the necessity for keeping an eye on the cost of living. If we are to get a balanced agriculture, we can only get it by properly relating the whole price structure throughout the industry towards that one objective. I would say this. There have been by the agricultural industry demands for increases in prices, and these increased prices have not been given, and it is not possible to produce maximum results from the industry on a policy of expediency, with one eye on the cost of living.

I must say one thing on the cost of living. It is often said by members, and members opposite especially, that an increase in the cost of agricultural produce would add to the cost of living, but, in fact, a decrease could be achieved by a reduction in the cost of Government. If the surcharge on customs duties on minor items the housewife used could be removed, due to the cost of Government being reduced, you would have in fact exactly the same reduction in the cost of living as is now achieved by pegging down the uneconomic prices of agriculture. To develop this point slightly. For 30 years we have had in this country the emphasis on cereals. For 30 years we have sacrificed our land to that emphasis. It began originally because farmers could only farm cereals in many areas. Next they ran into the agricultural depression without finance to enable them to change over to a more balanced system. Lastly, due to the war, they were forced to produce cereals to feed our people. At the same time we have tied up the whole of that production at the lowest possible cost to the consumer, and I would emphasize one thing, and very strongly.

You cannot have cheap food, there is no such thing. Cheap food is only produced at the cost ultimately of poverty, and that is a factor everybody must realize. In this country the original settlers found, and the original Africans found, nothing but grass. A balanced system of farming was not evolved except in so far as the African was nomadic and rested his land by moving on. Our arrival has destroyed that normal method of farming.

The basic need of our land is finance, and in a new country you will not get people with a great deal of finance as

[Mr. Blundell] in the United Kingdom, wishing to invest in nothing but grass. There must be a farming system evolved and approved. If that is agreed, we can only produce the development of our land from the profits made out of that land. Those proceeds, as I have said, only come from the farmer out here saving his money, to put back into his land or, alternatively, from overseas by people desirous of investing at a reasonable rate of interest in the land. There are many difficulties, especially to-day, for a new farmer. The old-established farmer is not too badly off. He has developed his properties, built up his assets in farm buildings, and may well have changed over to a balanced system of farming, but a proportion of the profits is returned to the State in the form of income tax. But the new farmer to-day is feeling the pinch, and also the new African farmer who has come recently to the fore in many African areas and is trying to do a better type of farming. They feel the pinch owing to the rise in the price of everything, the decline in the fertility of the land, and the strict control of agricultural produce at what I believe is a sub-economic limit.

I have some figures here to prove, I think, that all is not well, as I said, in agriculture.

First, agriculture is indebted at the moment to the tune of something like £6-million, and there are between 500 and 600 farmers in maize alone who are producing crops below what is called the economic level. Again, I have an interesting figure here. If you take 1946 as the norm for agriculture, you will find that for all agricultural products, plantation grown, in 1935, the figure was 86, in 1948 the figure was 98. That is very important, because if you are going to build up the development of this Colony as appears in the estimates, especially of the Development and Reconstruction Authority, you cannot do it on agriculture whose productivity advanced from 86 in 1935 to 98 in 1948, taking the norm as 100 in 1946. Again, I have figures which show how far we are to-day from balanced agriculture. In Nakuru, for every bag of grain produced in 1947, there were 4.5 pounds of butterfat produced; in Trans Nzoia 1.4; in Uasin Gishu 1 pound of butter-

fat for 1.1 bags of grain; worse still, with more emphasis on the dis-balance in our agricultural policy.

To refer to the 500 to 600 farmers farming to-day who are called sub-economically. That is merely a term used in this country. The term in maize refers to farmers producing less than seven bags an acre, but in many parts of the world seven bags an acre of maize would be considered a high yield. The truth of the matter is that it is not farming sub-economically, but the system of farming, and these fellows, whatever they are, cannot get out of the system. They are spinning on the economic wheel, because they cannot find the capital to bring them on to a balanced system of farming in which animal products take their full part.

The second part of what I wish to say concerns the remedy for this state of affairs. It is vital that hon. members opposite should realize that the emphasis on cereal production must be changed, and at once. You cannot draw a line and stop cereal production; because to do so would bankrupt those people, but what you have got to do is to produce over the next three or five years remedies and assistance so that at the end of five years these farmers will be farming on proper lines. This is the essence of the matter. These farmers have got to be placed upon a system of farming which allows the use of animal products to the fullest. They cannot at the moment, and, why not? They cannot for several reasons. One of the main reasons is lack of capital, and one of the second main reasons is the disease factor. Anyone who settles in this country and farms in animal products knows that certainly in bovines the death rate of our animals is usually barely above the survival rate. In aiding these farmers we have got to produce some factor to counterbalance that difficulty in starting animals on farms with little endemic diseases.

These are the improvements that I suggest to Council.

First of all, the price structure must be so related that the emphasis on cereals is changed over the next three to five years to an emphasis on animal products, and I go so far as to put forward the suggestion that in so far that it may be difficult for a man in those years to start up cattle you might well

[Mr. Blundell] consider paying him a price level slightly higher than the general price level ruling throughout the country. A system of zoning prices might well stimulate the type of agriculture we have in mind. That is not a new policy as far as the United Kingdom is concerned, where before the war prices of milk ranged in different levels according to nearness to great towns.

Secondly, I do press hon. members opposite seriously to consider taxation relief for the immediate development of such things as dips, water supplies, and grass leys, and fencing. It is essential, and I would go so far as to say that any farmer who puts money into those items should have immediate relief from taxation on those particular items. I say this, because during the war members will remember that we had the excess profits tax. What was the result? The result was an immense development of our whole agricultural structure, because farmers put every penny they could back into the land. It is that sort of emphasis that I wish to press on Government to alter this dis-balance in agriculture.

Thirdly, the immediate necessity. We must consider granting subsidies, and good subsidies, for the conversion of arable land to grass leys. Whether these leys are of the best possible grass does not matter, but it is absolutely vital that the present tendency to crop cereals year after year should be changed to one of cereals and grass in a balanced system revolving one round the other. I know that grass subsidies were not successful during the war, but for many reasons, the first being that during the war a great deal of the agricultural manpower was away, and secondly lack of grass, and really no knowledge of grasses, but I would say again that among these remedies to alter this system consideration must be given to dairy zones.

The whole of the dairy industry is the backbone, together with the beef industry, of agriculture, and the proposal I am putting before you, because nobody can swing from cereals to animals unless they get the correct price structure, is that dairy zones must be established, the idea being that all dairy produce is sold in the market most nearly convenient and economic for it to be so sold. It is fantastic, for instance, if I may bring the

point home, that milk produced south of Nairobi should come north to Nairobi, when there is a demand, and a growing demand, for milk in Mombasa. The crux of the matter is, what we should aim at is filtering the whole of the European animal milk production into the whole milk; cheese and butter markets, and we should press for the African to be the producer of butter and ghee. At the present time the African, as far as animals are concerned, generally shows no daily income from them. He merely gets a carcass income from them when they are sent to slaughter.

On this policy I wish to press upon hon. members opposite the complete lack of knowledge which we now have in animal husbandry. I join issue with those who say that animal husbandry should be part of the Veterinary Department, and I support what the hon. Member for Trans Nzoia said in his opening speech. For 15 years now, ever since animal husbandry was separated from the Department of Agriculture, our knowledge of animal husbandry has largely gone. We are setting up right through the Colony veterinary research stations and those should be tied to animal husbandry and crop stations, because in the areas to which I am referring, which are largely the great mixed farming areas of this Colony, an animal is useless without the crops to feed it, and the crops are useless without the animals to manure the soil. The two are inter-related and should be produced on the same station, the one department, if necessary, dealing with the animals and the other department dealing with crops, but the results being related together. I believe at the present time that if the stations are to be separate you will have the fantastic situation where on the arable stations animals will be kept merely to eat grass, and in the veterinary stations animals will be fed by importing lucerne or hay or other feeds from elsewhere.

Again we must emphasize that there must be more pressure, whatever the finance needed, on the development of pasture and leys. Now, over great areas of the African land units at any rate, a grass and ghee economy would be a far better economy than a grass and cereals one. We are sadly lacking in research.

I am sorry to see in these estimates, and the estimates which will follow, the very paltry provisions which has been

[Mr. Blundell] made for research. It should be well known that this is an absolutely overriding priority. Let me give one or two instances of this. In America they have enormously improved the development and the production of pigs by the successive crossing of three white boars upon another breed to produce a hybrid pig similar to the hybrid maize which has been so successful there. There is, as far as I know, no possibility of any research on those lines in this Colony. Again, fertility. We are losing annually hundreds of pounds, thousands of pounds, due to our inability to combat fertility diseases in breeding stock. Tied up with all this we must have the right in this Colony to much more field investigation. When I first began to farm out here—and it is many years ago now, 24 years ago—new ideas and new methods of farming came from the Department of Agriculture, but that does not happen to-day. They have not got the staff to do the investigation. As I have said, after years of effort, all we have produced as far as I know, economically, are three grasses, and of those three grasses only one looks like being successful.

If we are going to change agriculture from cereals to animals then we have got to put in a tremendous amount of thought and pressure on the animal side, and I would mention that in these estimates and in the estimates which follow I see no provision for the further expansion of the Meat Marketing Commission. Whatever may be the contentious side of that position, which must be overcome, the meat marketing set-up is essentially for the development of this Colony, and I would like to explain why. You will have coming out of your African areas small animals of poor value, you have in the great areas of mixed farming European pasture land which badly needs animals. Those areas must be used for fattening, and to revert to my change in the price structure I would go all out and pay more for an animal decently fattened in yards upon an arable farm to encourage the production of that animal, both for the benefit of the consumer and, above all, in order that fertility can be returned to the soil. But without the Meat Marketing Commission, which can hold stock, market stock, divert the stock to all the parts in which it is most needed for the

benefit of the community as a whole, all those plans are useless.

Again, we are embarking upon a policy of removing squatter stock, as it is called, from principally, in the first place, the Usisi Gishu area. We need for that working capital. If necessary, if the price of those stock should fall to such a level that it penalizes the African who, through no fault of his own, is asked to part with them; then we must have a system by which we can buy those cattle and hold them in holding grounds so that they can be put on to the consumer market at the right time and the right place. There is no such provision as far as I can see in these estimates.

Not only that, but if the African group farmers, especially in the Nyeri and Kiambu areas, are going ahead in farming they need a positive policy towards that agriculture. They need a form of bull licensing, because many of them have bought grade stock, and in their anxiety to get on and produce animals which are in milk they are buying sub-grade bulls whenever they can. They should have bull licensing in those areas. Secondly, we must provide for them as far as possible, female stock. It is no good now producing an improved Zebu bull which eventually in something like five years will give an African group farmer a female of a better stamp than he has to-day. I suggest that what we should do is this, that every time female stock are sold either from resident native labourers or from the African land units, place them on holding grounds, select them carefully, such as we did when we started the Ngong schemes, and offer them back to African group farmers. You cannot expect an African, who is now beginning to see the true light of agricultural development, you cannot expect him to fall in love with an economy of grass when he has got nothing to produce from that grass. (Hear, hear.)

The reason I am speaking at length on this subject is that I do want to drive home to hon. members opposite that you can have all the buildings in the world, you can have a bed for every patient in the hospitals, but if you cannot feed them you might just as well not build the buildings or put up the beds. (Applause.) That, I regret to say is a platitude which many members opposite already know

[Mr. Blundell] but it needs emphasis, because in the clamorous demands on the everyday finance of this Colony it gets forgotten. On that particular issue I would stress the importance of providing better water supplies, not only in the European areas but above all in the African areas, because better water supplies for animal production are the first steps towards increased production.

Now my third point, some general remarks. I have tried to show that all is not well with agriculture. I must emphasize it is not. There is no positive drive, there is no positive advance in our production. Secondly, I have tried to show, or give some constructive methods which should be adopted at once to remedy that state of affairs. Now I want to deal with agriculture generally.

It may well be that I shall be answered by the reminder that the Agricultural Bill was delayed at the request of many members on this side of Council. The Agricultural Bill will not help agriculture. The need at the moment is far too great. Even if the Agricultural Bill was passed to-morrow I am doubtful whether the Agricultural Bill could be in swing and in full use to the farming community for two years' at the most. We need finance, and all that I have said will cost money. This is a point I wish to stress. When I see these estimates I could give the hon. Member of Finance and the hon. Member for Development cuts which they should make in these estimates, if they feel that they cannot provide the money for agriculture. (Hear, hear.) Now the sort of cuts I would not hesitate to make would be in such items as—

MR. RANKINE: Sir, on a point of explanation, I hope the hon. member will realize that so far as the Development and Reconstruction Authority's estimates are concerned the Development and Reconstruction Authority is carrying out a policy approved by this Council.

MR. BLUNDELL: Sir, when I spoke on the main budget principles I was one of the few members on this side who warned Government against what I considered the rising expenditure. I did so because I realize so well our real needs—that we must provide for agriculture—and as long as we allow fancy departments to go on expanding, even though a case could be

made out for them, we must restrain them, because the basic necessity of the Colony is the development of Agriculture. (Applause.)

Again I must stress one thing because I do not think hon. members understand it. You cannot build an expanding economy for this country, you can write off all of the Development and Reconstruction Authority's estimates on a depressed agriculture. You can only do it on a buoyant advancing, progressive prosperous agriculture and nothing else. (Hear, hear.) I can prove that all is not well with agriculture. Since the end of the war millions have gone into agriculture, yet production is still down. Why? I go back to what I was saying. There is no positive drive, there is no positive policy on the planning side especially in regard to price structure.

Now, Mr. Chairman, hon. members may be glad that I have nearly finished. I just wish to say this: that all the Government departments in this Colony at the present time, whether they like it or not, revolve round the prosperity of agriculture. When I say the prosperity of agriculture I do not mean the cash in hand. Anybody who has farmed knows that the prosperity of agriculture is in the future of agriculture and lies in building up the fertility of its own soil for everybody—nothing else. We here have a poor country and an impoverished African soil to develop, and we need the agricultural industry.

We need above all three things. We need the capital to develop it, and that capital can only be provided when agriculture is buoyant and prosperous. We need fertility, and that fertility can only be provided when our agricultural structure, our price structure, the whole outlook on our agriculture is designed towards balanced farming and not one-sided farming. Lastly we need knowledge. We came here twenty years ago. The area that I farmed twenty years ago was plains and plains of grass—nothing but grass—and that is already being turned slowly into a system of farms, a layout of agriculture similar to that of western Europe. What is holding us up the whole time is lack of knowledge. We do not know the best breeds. We do not know the best grasses. We do not know the best system, and that is why I say agriculture is drifting. We are not getting the capital, we are not putting the fertility back into our soil,

[Mr. Blundell] \n and above all we are not putting the money into research that we should.

Mr. Chairman, I beg to support. (Applause.)

Mr. NATHOO: I too would like to make references to several points with regard to the general agricultural policy of the Colony.

I am very glad to see that in these estimates provision has been made with regard to the research in sugar. I do not know whether most hon. members are aware that we have reached that stage in the production of sugar, particularly in Kenya, where well-nigh 25,000 lb. of sugar is being sent from Uganda to this country, and it is quite on the cards that next year a substantial amount of sugar will have to be imported if we are to meet the ordinary demands of the Colony. In the past several concerns started planting sugar in various parts of the Colony, and for one reason or another, either through the vagaries of the weather or through lack of finance and in some cases lack of labour, most of these sugar concerns went into liquidation and some of them disappeared. Now when we are running a balanced agriculture, as my hon. friend the Member for Rift Valley said, it is a duty to see that all those commodities which are required for the ordinary consumption of the inhabitants of the Colony are catered for, and to devote a great amount of time to research in sugar, and to give every encouragement to people in the sugar industry who are trying to establish themselves and produce enough sugar for our own consumption.

There is another point to which I am glad the Agricultural Department has been paying more attention, and that is cotton. Particularly in Nyanza is there room for a tremendous increase in the cotton crop of the Colony, and with present prices and as far as we can see the trend of the prices in the world there is going to be a market—a sure and certain market—for all the cotton we can produce, with the resultant prosperity it is definitely likely to bring to the people in these areas. I do hope, sir, that the hon. Member for Agriculture will not relax his efforts in this direction and see that a certain goal is aimed at and that within the course of the next year or two we will reach the target.

There is one other point on which I think the Asian community has a great cause for complaint; that is their problem of ghee. In spite of the fact that a large amount of butter is produced, and some of it used to be set aside for export, nothing has been done to come to some arrangement with the creameries that a certain part of the butter production should go into ghee, so as to provide us with a reasonable amount of ghee for our own consumption.

There is one more point on which the hon. Member for Rift Valley touched, and that is the Meat Marketing Board. I agree it is essential, if we are to build up the resources in this direction, that the meat industry should be put on a proper basis, but, sir, I beg of the hon. Member for Agriculture that when these schemes are put into action due consideration be paid to those people who are already in the industry—those who are not on organized lines—so that when the reorganization comes their interests are not neglected and they are allowed to play some part in the organized industry so that they will not lose their mode of living.

Mr. MACONCHIE-WELWOOD: Mr. Chairman, on agricultural policy in general there are certain points made by my hon. friend the Member for Rift Valley which I would like to emphasize and expand.

One of the most important ones he mentioned concerns the area I come from, Uasin Gishu, which is the question of holding grounds for the squatters' stock which has got to be absorbed by the sales and which the reserves cannot take. I see no provision, as he has said, in the estimates for holding grounds for this stock. When the question arose that this stock should be removed, Government said that they would see to it, that if the time was extended for getting rid of the stock they would help to get rid of it and see most of it was purchased, and furthermore see that fair prices were given. If no provision is made in these estimates I do not see how they are going to fulfil this. This is not a matter which is entirely an economic one, and I would urge on members opposite to remember that sometimes economics have got to be subordinate to politics. This is a political matter. If they are going to suggest that the Meat Marketing Board should purchase stock at considerable loss to them-

[Mr. Maconchie-Welwood] selves in order to de-stock the areas, that seems to me to be entirely unreasonable. The money has got to be found; the holding grounds have got to be found, in order that fair prices should be given.

Another matter I should like to mention is the question of agricultural planning in general. During the war tremendous efforts were made to plan agriculture in order to produce more and more food, and the farmer rather sensibly said, "Well, that is all very well—we have seen this before, we have been helped before, and as soon as the war comes to an end and prices sink we will be left to carry the whole burden of agricultural deflation". Well, to-day they are beginning to wonder if the same thing is not going to happen now, as happened after the 1918 war. Now, when there is the question of the cost of living rising due to agricultural prices rising, Government is doing everything it can to keep them down, because it is the only item in the cost of living that they can keep down. All the imported articles that the farmer uses such as oil, machinery, spare parts, all of them are doubling and gradually trebling in price, and over those things they have no control at all, and they are the life blood of agriculture. Now I understand that, though they wish to keep down the price of agricultural produce, they are suggesting that new methods should be found for assessing the cost of agriculture. In other words, when the question is awkward they are beginning to alter the question; rather like the Irish did to Mr. Gladstone, when he nearly solved the Irish problem they altered the question. I think that is very much what is happening now.

I do not know on what new formula they wish to base the price of primary products, but I am fairly certain that in asking for a new method of assessment they are doing so with the idea of depressing prices. On prices outside the Colony naturally we have no control, but it is perfectly obvious to any one to-day that the British Government is endeavouring to buy as cheaply as possible from the Colonies, while still selling at as high a price as it possibly can the very things which the farmers need. If this goes on it is going to be a further drain on the depleted land and resources of the farmers of this country, and I say that,

for this reason if for no other, the economy of this country must in some way assist the farmer by paying better prices than he is getting. He cannot do anything to the prices offered at home, but he can do something to the prices here.

Under the planning system of the war there was a guaranteed minimum return given to farmers against complete disaster, which is a very big commitment to Government, but I would like to point out here that if that commitment to the farmer, which only covers the bare cost of putting in the crop in the event of total failure, if that were withdrawn—and there is possibly a case for withdrawing it—the farmer must be allowed a much higher price to act as his own insurance agent. If he gets a big enough price then he can face his risks, but if you are going to keep these prices well below external prices, then you have got to help him out by some other means, and so far this has been a very cheap means of doing it to the Government. I think when the figures are looked into it will be found that it has cost the country very little to give that guaranteed minimum return. Mr. Chairman, I beg to support.

Mr. RANKINE moved: That the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till Wednesday, 14th December, 1949, at 9.30 a.m.



Wednesday, 14th December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Wednesday, 14th December, 1949.

Mr. Speaker took the Chair at 9.35 a.m. The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 13th December, 1949, were confirmed.

#### PAPERS LAID

The following paper was laid on the table:—

By MAJOR CAVENDISH-BENTINCK:

Copy of Boundary Plan No. 204/5, delineating the proposed Aberdare National Park.

#### ORAL ANSWERS TO QUESTIONS

No. 74—MALINDI WATER SUPPLY.

MR. COOKE:

Will Government state if the boreholes at Malindi have yielded a satisfactory supply for that township?

If so, the reason for the delay in installing the supply?

And give an undertaking to expedite the matter?

MAJOR CAVENDISH-BENTINCK: The boreholes intended for the supply of water to Malindi township have yielded a satisfactory supply. The next stage before the supply can be installed is to investigate the distribution scheme for Malindi and to draw up designs.

Financial provision is available for these investigations which will proceed without delay.

Thereafter it may be possible to fit the installation of the supply into the limited programme made possible by the funds available for expenditure on water supplies in 1950. The scheme has been given the highest possible priority.

No. 77—AGRICULTURAL SCHOOL, MOROGORO

DR. RANA (for Mr. Patel, absent):

Will Government please state (a) why the proposed Indian agricultural school at Morogoro has not yet been started, (b) the steps taken by them so far to move Tanganyika

Government to get the school going, and (c) what they propose to do to get the school going without further delay?

MAJOR CAVENDISH-BENTINCK: The Morogoro agricultural school is the responsibility of the Government of Tanganyika Territory, although the Government of Kenya is closely interested in the opening of the school on account of the agreement between the two Governments that a number of vacancies at the school should be made available for Indian students from Kenya.

(a) It is understood that the school buildings at Morogoro have been completed, but it has not been found possible to open the school owing to the difficulties which have been experienced by the Tanganyika Government in obtaining the services of a suitable headmaster.

(b) A communication was addressed to the Government of Tanganyika Territory in April last expressing the concern of the Government of Kenya at the prolonged delays in opening the school. In reply the Government of Tanganyika expressed its appreciation of the anxiety of the Government of Kenya that the school should be opened at an early date, and confirmed that the delays had been due to difficulties in engaging a suitable headmaster. The reply from the Government of Tanganyika Territory went on to indicate that additional avenues of approach were being explored with a view to widening the field for selection of candidates for the post.

(c) Government is raising the matter again at an early date through the High Commission.

#### COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

Head 22—Office of the Member for Agriculture, Animal Husbandry and Natural Resources

The debate was resumed.

MR. HOPKINS: Sir, I propose to refer to only one of the many points touched upon by my friend the hon. Member for

(Mr. Hopkins)

Rift Valley in one of the most comprehensive and realistic reviews of the agricultural position in Kenya that it has been my pleasure to listen to for a long time. (Applause.)

I beg to seek enlightenment as to the steps which are being taken, and the steps which are contemplated, to deal with breeding diseases, and what might best be termed infertility conditions, which are now giving so much trouble amongst the hybrid and high-grade herds which farmers are trying to build up. I realize, of course, that something in this respect has been done, and is indeed still being done at the Veterinary Research Station at Naivasha, but it would seem that an adequate *ad hoc* investigation on a scale which most of us think is necessary is not yet possible there owing to lack of staff, lack of facilities and, in fact, lack of money.

Now the stock breeding industry, more especially the breeding of high-grade, pure-bred stock, is fast becoming one of the most important branches in this Colony. This branch, too, is likely to increase in importance as more and more cereal farmers and other farmers come to realize that the keeping of stock is an integral part in good farming practice. More and more, too, neighbouring territories have written to this Colony for pure-bred and hybrid animals with which to improve their own indigenous herds, and it seems to me of the utmost importance that we should take steps now to find out how best we can combat this menace which threatens not only the good name of our breeding industry but the very industry itself.

So insidious are these breeding diseases that even the most skilled veterinary officers very often cannot tell us all the precautions which are necessary to keep our herds clean. In certain areas there are quite a number of cases where every known precaution has been taken, and yet herds have become affected. With our primitive, inadequate knowledge, even the most skilled of breeders is sometimes not able to realize that the trouble has entered one of his herds before it is comparatively widespread, and this state of affairs naturally brings with it a state of insecurity, lack of confidence and a reluctance to extend breeding operations at a time when

all breeders should be encouraged to do their utmost to prepare for the large demands which I feel are coming now that farmers realize that they must turn to a more balanced form of mixed farming.

I know that no one in this Colony in the many years that I have been here has so won the confidence of the farmer as has the hon. Member for Agriculture, Animal Husbandry and Natural Resources. (Applause.) I feel, sir, that an assurance from him that he realizes the serious situation and will take every step possible to cope with it adequately in the near future, will do more than anything I can think of to encourage those who have so far not acquired cattle now to do so. Above all, his assurance would give hope and confidence in the future, which is now so lacking on the part of those who have the bulk of their resources invested in the breeding industry. I do most earnestly ask, therefore, that the Member in his reply may deal at some length with this matter which is of such great importance to so large a section of the farming community of this Colony.

I support the motion.

MR. MATHU: Mr. Chairman, I should like to make a few remarks, and in doing so I should like to say how refreshing it was for me and quite a number of us to listen to the very able speech which was delivered yesterday by my hon. friend the Member for Rift Valley. (Applause.) Actually, I do not think I can add very much to that, because it was so unbiased and, I think, put very convincingly.

I should like, however, perhaps to emphasize some of the points that he raised, and in some cases give perhaps the other side of the picture. He did say, sir, that in this country agriculture needed capital, fertility and knowledge. I entirely agree with him. As for capital, I should like to say that if capital is required by farmers it is definitely required more by African farmers, and as I have pointed out I do know the Government is considering this matter, and I do hope that they will see their way to assisting African farmers financially so that they may be able to work more soundly on their lands than they are doing at the present moment. I agree with him also on the policy of prices for agricultural products, but we want more positiveness

[Mr. Mathu] in policy and drive than hitherto, and I think it is a very important matter which I know, the hon. Member for Agriculture will deal with.

On the question of fertility, I should like here first of all to pay a tribute to the field agriculture services who are working in the country to-day. (Hear, hear.) I feel that, and I am sure of the support of my people in this matter, that they have done more in a few years to put the African, or rather to change the attitude of the African towards the maintaining of the fertility in the soil, and I would like to say that those four or five years have been years of hard struggle on the part of the agricultural field officers to get the Africans to appreciate the importance of the mechanics of soil conservation, terracing and so on. That stage, sir, has been reached and actually passed. The next stage I would like to emphasize that we should now embark upon is the stage of now putting back the fertility into the soil.

I refer, sir, to the attempt on the part of the field services to impress upon all farmers that manuring either with natural or artificial manures is the next step. It is not sufficient to terrace a piece of land, particularly land that is already being eroded. It is important that after terracing the land should be manured properly, and that is not even the end. They should go farther and impress upon the farmers that rotational cropping is important so that in every scheme of rotation we have leguminous crops rotating with cereals and other non-leguminous plants. That, I think, is the next move, and I should like to emphasize this most emphatically, because I feel that in African areas in particular this is the most crucial matter, the manuring of the land in order to restore the fertility of the land.

The question of knowledge was the third point. Here I think my hon. friend the Member for Rift Valley had in mind more the research services, that the research services are important so they can tell us exactly what our soils lack, what we want in the way of grass, what we want in the way of particular crops, what we want in the way of particular breeds of livestock and so on. That is definitely one of the requirements in proper, sound, balanced farming, and on

that I should like to point out that during the Committee of Supply last year I drew the attention of the hon. Member for Agriculture to the necessity for the research services showing us what we have to do to fight against some of the fungoid diseases that are attacking the African plants. I refer here to the yam, sugar cane; the potato (the sweet potato in particular), and during the last year, and even this year, the fungoid diseases were almost wiping out every African foodstuff and damaging African fertility. I would like to draw the attention of the hon. Member to the fact that these plant pathologists can do more in this direction.

But there is the other side of knowledge. That is, after the research people have told us exactly what to do we want knowledgeable farmers to carry out the knowledge that has been put at our disposal by the research services, and it is on this point that I would emphasize the importance of training Africans in agricultural training colleges and schools and actually training the farmers themselves so that they know exactly what agricultural principles are required in order to put their farms on to a proper footing.

The question of cattle, livestock and so on was a subject that the hon. Member for Rift Valley discussed yesterday, and he put the matter in a very able manner. I should like to say here that in African areas, as he did point out, it is the water supply which is one of the most important factors. We must have water for the proper bringing up of livestock for better farming. We must also have sufficient grazing, and here pasture research and so on is a requirement. But more than that, we want more land, because you cannot really produce large numbers of cattle properly in the very small acreages that are at the disposal of the African farmers to-day, and I should like to emphasize that this is a matter also that we have to look into.

On the question of squatter cattle, the hon. member did say that the African cattle produced very little beyond the carcass for meat, but I should like to draw his attention to the fact that the African has to get some milk for his own children, and that is why he has not commercialized the whole milk production as the other communities have

[Mr. Mathu] done. But I do agree with him that there is still a lot to be done in this matter.

Lastly, sir, the question of forests. The hon. Member for Agriculture did point out that the Forestry Department has had extra duties in managing local native council forests and I agree, but I should like to point out here that it is not all plain sailing getting African local authorities to have productive forests looked after by the Forest Department. In certain areas there is definite opposition, and there I would like to draw the attention of the hon. Member to the forest areas which the Administration have tried to put in the hands of the local native councils in the Kitui District. The Africans there have been very, very reluctant in giving their forests, the forests on the hills, into the hands of the Forestry Department, and I should like to suggest that in cases like that it is wise to go slow until we get the people behind us. At the moment the Kitui Kamba are very opposed to any suggestion of giving their hills into the hands of the Forestry Department, or any department for that matter. They say it is their lifeblood, and it is true because Kitui is, as you know, a very dry part of the Colony and they have no rivers at all and all their livelihood mainly comes from these hills which are sheltered by the forests that require to be taken under control. I should like to suggest, sir, that this matter should be taken very cautiously until we can make sure that we have got the support of the local people.

Sir, I beg to support.

MR. PRESTON: Mr. Chairman, my hon. friends the Members for Rift Valley and for Uasin Gishu have dealt so very ably with the question of policy that there is very little left to say, except to remind all hon. members that the land is Kenya's greatest asset and that the future of Kenya is going to be almost entirely dependent upon the soil for some years to come. I would like to pay a very great tribute to the work of the Agricultural Department in reclaiming eroded and worn out land. (Applause.) The results of these labours will not be immediately or spectacularly apparent. Again, the work which has been done by this department with the assistance

of farmers of all races in an endeavour to get a more balanced system of farming is again a long-term policy. For it is only a balanced agriculture which will one day save this Colony from starvation. Somehow or other maize production has got to be made to fall and the other crops have got to come up more into line with maize production. If you study graphs in any of the agricultural offices you will find maize right up here and the other cash crops on a line very much below. We have got to build up all the native crops and grass leys so that rotation can be practised by all.

In this connexion I must say that I do not feel that over the last decade and more we have made sufficient advances towards pasture improvement in this Colony. Grass is probably one of the most important crops for this Colony. From time immemorial Kenya has been a cattle country in spite of disease and disaster. There were cattle here when we came here, and I do believe we have got to do a very great deal more in building up pasture research schemes and getting seed out into the areas where it is needed. Cattle, particularly in the African land units, have got to be made more productive. At the moment the average African land unit produces not a great deal more than hides and a very small portion of cash products in the shape of ghee. Cattle in the reserves must be kept more on the basis of quality and not quantity. They must be made to produce cash incomes, and at the same time improve the soil fertility which would have an additional beneficial effect upon the general health and living conditions of the African population. But I do feel the time has come when the practice of keeping any beast on four legs, whatever its make or shape, as a sign of wealth or with a view to bride price, is one practice that we can no longer continue with.

We are all very well aware of a rapidly increasing population, and if we are to feed this growing population as the years advance we must ensure that we are building up soil fertility to meet the demands which we shall have to make in ever increasing measure upon our soil. And this is not a matter which can be conveniently shelved for a year or two, because if it is not tackled now we shall find that we are too late. We shall not

[Mr. Preston]

be able to build up this fertility unless price levels rise to enable the farmer to get sufficient profit so that he can maintain his land in good heart. It is also useless to concentrate on better prices for any one crop to the exclusion of others, as every encouragement must be given towards rotation.

Another important factor to be remembered is that this is a young country and that farms are not made in a generation. It is remarkable to me that the standard of farming in some parts of this Colony is as high as it is when we consider that 40 years ago or less most of the land which is now being extremely well farmed was just raw Africa. Therefore in this connexion I would most strongly support the hon. Member for Rift Valley in his plea for tax relief against development. Let us rather consider the future and encourage farmers to plough back profits and thus build up a really stable industry.

There is another matter to which I wish to draw the attention of this Council, and that is the question of desert encroachment which is a problem that must be tackled now. I consider that immediate investigation should be made into the possibility of creating barriers on the frontiers concerned to check the advance of the desert, and at the same time I would like to see long-term planning to carry the war into the desert with a view to the reclamation of some of the land that has already been swallowed up. I do most strongly urge that, if it is possible, an officer of the Agricultural Department should be sent to study methods in America and South Africa where already, I believe, a very great advance has been made on the question of desert reclamation.

Many of the other matters upon which I have touched may not appear to all of us to be of immediate necessity and it may be thought they can be left for some years, but I do assure you that if we are to do our duty by future generations of citizens of this Colony then every day is of the utmost importance, lest we see famine stalk in this land of ours one day.

There is an Eastern saying which says "Others planted that I may eat, I plant that others may eat".

I beg to support, sir.

MR. COOKE: Mr. Chairman, after the paeon of praise we have had about the hon. Member for Rift Valley's speech, in which I of course join, I would just like to point out one fallacy—and I think it is an important fallacy—that he committed. With reference to the trend of agricultural development the hon. gentleman took as a norm, and I think this mistake was made also in the article in the *East African Standard*, the year 1946, and he showed that the line had fallen in 1948 behind the 98 points. He drew from that a conclusion that agriculture was not in as good a shape as it should be, but I think the fallacy he committed was this, that the season of 1948, certainly for those particular crops which I think are called plantation crops, was a very bad year for planting crops such as tea, coffee and sugar. If we had taken the acreage over those years and shown that the acreage had fallen, then I think his conclusion would have been correct that something disastrous was happening or beginning to happen to agriculture, but he did not do so and I think that is the only real criterion in the matter—has the acreage dropped? According to reports I have here, Mr. Norton's report, for instance, on the East African territories, it would appear that the acreage has increased—certainly the acreage under sugar in the three territories has increased by 10 per cent—and I think the acreage under tea and the acreage under coffee certainly has not decreased, and Mr. Norton points out that actually so far as coffee is concerned it is normal to have ups and downs, a bumper crop one year and a small crop the next year.

The hon. gentleman also referred to African pastoral tribes, and he argued there was no day-to-day income coming in, but I do not think this is quite correct so far as small tribes are concerned. Take the Duruma—they contribute very largely to the milk supply of Mombasa and get a day income from that production of milk. With reference to this, would the hon. Member for Agriculture tell us, especially those of us concerned with the coast, what he proposes to do in aid of dairy farming on the coast? Mr. Daubney, who was Chief Veterinary Officer here for many years, had a high opinion of the grasses of the

[Mr. Cooke]

and thought the coast would lend itself to dairy farming. One European has started ten miles from Mombasa and put a lot of money into a dairy farm, and I think an industry such as that should be encouraged. Now that Dr. Hassan, who has done such good work at the coast, is getting very near retirement (and I notice has applied for a grant of land in Mackinnon Road, I am glad to say, to go in for the raising of cattle there), I would like an assurance from the hon. gentleman if he can that we will post to the coast a veterinary officer, preferably, if possible, a European—because a European is probably better trained at the moment than any non-European—if he can be obtained, as soon as possible.

There is one point which the last speaker made—I think I saw the Director of Agriculture take a note—he advocated the building of barriers against desert erosion. That, of course, is an excellent suggestion, but at the same time it is proposed, as far as I can see, to take down or to destroy natural barriers of vegetation which exist on the Uaso Nyiro river. If the Uaso Nyiro river is allowed to run dry, as there is a great danger of its doing as it has been tapped so much in the higher regions, the natural vegetation will die, and no matter how much in the way of water you find from boreholes that natural barrier which is stopping the encroachment of the desert will disappear. So when we are considering the erection of natural barriers we must also, I think and submit, preserve those which exist at the moment. The Tana River is another instance of a natural barrier.

I beg to support.

MR. HAVELOCK: Mr. Chairman, I am not going to take up much time of this Council. Hon. members have put up all sorts of ideas for the improvement of agriculture in this country, many of them extremely sound, but I would like to make it quite clear from my point of view, and I am sure it is the same as regards hon. members here this side, that we are not really criticizing what the hon. Member for Agriculture has not done, in that he has never had the money to do it. (Hear, hear.) I am surprised to see that the percentage of recurrent

expenditure on agriculture—the percentage of the overall recurrent expenditure of the Colony—is only 3 per cent of the total expenditure. That does not include extraordinary expenditure, that does not include the Development and Reconstruction Authority expenditure, but the net figure I work out for the Agricultural Department is about 3 per cent. I do feel, sir, that is a very low figure for a country which bases its economy on agriculture. The Veterinary Department is about 4 per cent, I believe.

The hon. Member for the Coast touched on coffee just now, and I must say here I think he is wrong in saying that coffee acreages have not decreased—they have decreased, and it is up to us to try and make the yield increase. For the next year or two, I believe, it is going to be very difficult indeed for the coffee areas to increase their yield or even to bring the yield up to normal, but in this connexion I would suggest that the coffee areas are not left out of any scheme for the provision of cattle on easy terms. I am quite certain, and I am sure the hon. Member for Agriculture will agree, that that is the answer for improvement of yields in the coffee areas, to use the waste land—there is a lot of waste land—which is lying in the coffee plantations for cattle to provide both milk for labour and manure for the plantation.

One small point, I should like the hon. member in his reply to clear it up. There has been some criticism that the coffee services are expected to cost the country a lot of money, but that mistake is entirely due to the fact that the yields of crops, the value of the crops, from the research stations are not shown as credited to the coffee services but just come in general revenue. If the value were worked out it would be found that the coffee services are not costing the country much money at all.

One other point. The suggestion was made by the hon. Member for Rift Valley in his most excellent speech that animal husbandry should come under the Agricultural Department. I am a little bit worried as to whether it is practicable to do that in that it is practicable to find the division between animal husbandry and veterinary work? Personally, I would favour much closer co-ordination between the departments; in

[Mr. Havelock]

fact, going back to the old system of having one department, agricultural and veterinary if possible, and I would ask the hon. Member for Agriculture to go into this matter again. I am sure it would mean savings in the administration of the department and, of course, the different types of the services would be kept separate as agricultural research is kept separate at the Scott Laboratory from the ordinary field work.

I beg to support.

MR. PHITAM (Western Area): Mr. Chairman, I have very few remarks to make, but I would like to know from the hon. Member for Agriculture what steps he has taken for stimulating the cultivation of rice, because there are suitable tracts of land where rice could be grown. As for ghee, I do not think there has been any diminution in the production, but the trouble is that the African producer does not get the price to which he is entitled, with the net result that rather than deliver to the Control he puts his output straight on to the black market.

In his excellent speech the hon. Member for Rift Valley yesterday complained about the price for cereals. It is true that the consumer public does not like any rise in price, but at the same time there is no reason why any particular section of the community should be asked to suffer all the time. It is time that the cereals prices were carefully gone into, and our farmers paid a price which will allow them sufficient margin. At the same time, I know for a fact that substantial quantities of cereals are exported from this country, and the prices that we obtain for them are much higher than those paid to our farmers. I wonder where these profits go to? If we cannot do anything, we should pay the difference between the overseas market to our farmers.

I have some remarks on Maize Control, but as there is nothing in the estimates relating to it I should like to know from the hon. Member or from you, sir, to which item or head I should relate them.

MR. HOPKINS: Mr. Chairman, I should just like to make a short reference to the parallel of the hon. Member for the Coast about the Uaso Nyiro being one of the disappearing barriers.

I am quite aware that he and I are the only two people left in Kenya who know something about that river as far back as 1918. That was when I took over from the hon. member, who was then District Commissioner. That year there occurred one of the greatest droughts known in this country, and the river dried back further than had ever been known before. There were practically no settlers tapping up-stream. I went to considerable trouble because of the frightful drought, and found it was more or less a normal thing every year that the river dried back, but in a big drought it went as far back as the *boma* at Archer's Post. In my opinion it is quite a fallacy to suppose that the African on the lower reaches of the Uaso Nyiro River is suffering from lack of water. There have always been watering places where water from the floods can be held up by barriers across the river; there is always water there, and the trouble is not lack of water but lack of grazing due to overstocking. I should like to banish the idea that it is due to lack of water, because it is used beneficially by farmers up-stream.

MR. SHATRY: Mr. Chairman, there is only one thing which has not been mentioned in this Council, the coconut industry at the coast. As we all know, the Arab population owns large tracts of land with coconut trees, but owing to lack of proper knowledge of farming I think many of those trees are dying. At the last meeting of the Coast Development Committee, we discussed this question with the hon. Member for Agriculture, and an agricultural officer should be posted at the coast in order that the Arab community should be given proper knowledge of how to keep these trees alive. Without that knowledge, I know that in the next few years all these trees will be dead, and I must press that in this important matter something should be done.

With those remarks I beg to support the motion.

MR. MATTHEWS: Mr. Chairman, I should like from this side of Council to add my congratulations already given to the hon. Member for Rift Valley for his fine oratorical effort. I was one among many in this Council who listened with profound attention, but I must say, and I say it with great respect and with

[Mr. Matthews]

no intention or desire to make a debating point, that whatever long-term results he may be advocating, the immediate effect of his proposal would be to increase expenditure and reduce revenue.

The first important point as far as I am concerned that he made was that over-emphasis on the cost of living has prejudiced agricultural production. I presume by that remark the hon. member meant that prices are too restricted for the agricultural industry to flourish. I am one of the people who believe that a man is entitled to a fair return on his capital and for his labour. Every man is entitled to get a fair return for a fair day's work, and that attitude must be adopted towards primary produce just as much as to any other commodity. But Council will understand that inasmuch as the prices of primary products of all kinds have such a profound effect on the cost of living, on the economic set-up of this country, proposals for increased prices naturally have to be scrutinized with the greatest anxiety. I must point out, too, that our attempts to control the cost of living to keep it within bounds has its advantages for the farming community as well as for any other, and I repeat here, perhaps a platitude, but nevertheless a truism, that if you increase the price of maize you increase the cost of producing maize. That kind of vicious spiral or circle is very dangerous, and must be avoided at all costs.

This Government's attitude is, however, that where it is demonstrated that an increase in price is justified on costings, on facts and figures, such increases are granted. It may take some time to do it, but this is only evidence of the great care and anxiety with which we scrutinize these applications.

The hon. Member for Uasin Gishu referred to the new formula which he said is proposed. There is no question of a new formula. The fact is that in the past the data and principles upon which we had to base our judgment have not, to my mind, been satisfactory. I have felt in the short time I have been here that when these questions have arisen we are skating on very thin ice indeed, and I consider that if we have to judge a demand for increased prices on data of the kind now available the matter

is unsatisfactory not only from the point of view of the general public but from the point of view of the farming community itself.

I mentioned in the speech which resulted in our coming into Committee of Supply that the question of the prices of primary produce would attract the early attention of myself and the hon. Member for Agriculture. Already we have taken the first step in that direction, and are considering with the advice and help of the Statistical Department what method can be adopted, what proper data, what system of getting statistics should be adopted in order to put this matter on a basis satisfactory for the country at large as well as for the farming community.

I think that the hon. Member for Rift Valley suggested that the capital cost of improvements such as making dips, fences, and machinery should be deducted when income is being assessed for income tax. I should think the hon. member himself is well aware of the fact that already there is a system whereby the cost of improvements such as making dips and so on, 20 per cent is allowed to be deducted in the first year, and in succeeding years for the period of the life of the asset a corresponding *pro rata* deduction equal to one-eighth of the total life of the asset is deducted. To that extent there is relief already there. I believe that recently in the United Kingdom there has been a change from 20 per cent to 40 per cent; in other words, the United Kingdom is allowing 40 per cent in the first year. The question is whether we should do the same. But it is not altogether certain that that would be in the interests of the farmer. It is obvious that if you deduct 40 per cent the first year you will get great relief that year, but inasmuch as we have a sliding scale of income tax and the amount deducted in succeeding years would be that much less. A farmer would therefore be on a higher level of taxation in succeeding years than he would have been if the original deduction had not been so high. I believe the matter has been considered by the Revenue Advisory Board, and I understand they have been unable to come to any conclusion. When they do, their recommendation will receive very careful consideration.

[Mr. Matthews]

On the question of deducting the whole amount, an interesting point arises from that. Take the case of a well-to-do farmer who can afford improvements and on a level of income tax of, say, Sh. 12 in the pound. If you give him the full amount of relief immediately you in effect subsidize him to the tune of Sh. 12 in the pound. On the other hand, there is the poorer farmer who has an income that makes the tax Sh. 3 in the pound. To begin with he cannot make so many improvements as the well-to-do farmer and on what he pays out he gets relief of Sh. 3 in the pound. So you see that that kind of system is not very logical. The farmer on the subsistence level gets considerably less relief than the farmer who least needs it. I suggest that if ever it comes about that it is necessary to subsidize the farming industry, certainly a system of income tax relief of that kind is by no means the logical way to do it.

I beg to support.

MR. OIANGA: Mr. Chairman, the African case has already been very ably put by my colleague, and I only rise to make a few remarks and to pay a small tribute to the able manner in which the hon. Member for Rift Valley made his admirable speech. He did make one statement that I should like to emphasize a little on the African side of affairs.

He did say that the Africans need a positive policy in their production. When he made that statement he put the whole thing. Many times in this Council we have requested that throughout the country we have never had a really positive policy for production in the reserves. Every time that there has been interest taken in agrarian matters generally in the African reserves, it has more or less been negative. I should like to refer specifically to the cattle and dairy industry, in the Naudi area particularly. You have to look a long way back to find when a plan has been put forward to produce more cattle in order to feed the market, and to have more cattle we must weed out the poorer animals and have best quality animals, and the weeding out of unnecessary herds should give way to good ones. But we find the weeding goes on without any replacements, and we are still waiting

to see Government's really positive action to give better cattle with better yields.

With regard to agricultural produce, there is one small point, and that is as regards the growing of cotton. As long ago as 1925 the idea was developed in the Nyanza Province with a view to giving the world more cotton. Up to this time very little has been done to get that province to produce more cotton. Something should be done to try and produce more cotton, which is badly needed by the world. I should like to know from the authorities if we are going to have a plan for cotton production in that province, because I think it is overdue. It is true that round about 1934 and 1935 some steps were taken to produce cotton, but very quickly that was given up in that the prices offered were too uneconomic to encourage the farmer along the lines of cotton. From then up to now nothing has been done, but it is realized that until cotton is established in that province they will have to lag behind a long way and for a long time.

The next one is rice. Up to this time a small quantity of rice has been produced in Nyanza and on the Kano Plains, but that production could be doubled. It could be doubled if we had a positive plan to produce rice where it could be grown. Small experiments have been made but with very little consequence at all, in that they have remained experiments, and experiments only, instead of a big production plan. They have remained experiments year after year.

The third one is coffee. Coffee does not do well all over the country, not even in that province, but we have Kericho and Kisii which are capable of producing coffee. We have a group of farmers round about Kisii *Bopia* who produce a little, but on a scale that can only be called experimental, in that it is not large enough to produce coffee in large enough quantities that would make the whole thing economic. We should like to see a much more positive plan for the production of coffee in that area.

What about sugar-cane? Everybody cries out for a bit more sugar. Take the Kano Plains. A few yards on the other side of the railway you have sugar farms,

[Mr. Ohanga]

but on the opposite side of the railway where the Africans live you have a large area growing nothing at all, infested with mosquitoes, and year after year nothing is grown. Could not the people of that area be assisted and advised to grow sugar, so that we could produce more for the country.

My last point is that earlier in these debates while in Council I think I did state the regret that I and my African friends felt over the whole of the agrarian policy in the native reserves. I think I said that the Administration was taking too much time—I think I said interfering too much on agricultural matters or agrarian matters generally. This week, or perhaps it has been so for the past two months, it is coming to a point I never thought possible. A very big drive is now being made to try and save the soil in the Central Nyanza district, and the regret of the people concerned is that so much destruction is going on of crops that will be ready in two or three weeks' time. Tons and tons of beans, maize, cassava and potatoes are being ploughed in to give way to soil conservation measures. When I interviewed the agricultural officer in charge he only said he had no power to do anything because that was the order, that beans and maize should be dug out to give way for soil conservation.

But there are vast areas that have not yet been done which are lying idle, and why soil conservation should be done on land with crops on, when there is land lying idle, nobody knows. It seems that there is an order and the order has to be carried out. It seems to me that the people who are experts on the subject should be given authority, and that authority should not be interfered with. When you have an agricultural officer trying to do one thing, and then the Administration giving other orders which may be contrary to what is being done, the people suffer, there is terrible confusion, and nobody knows what should happen or be done. But whatever is done, the people eat food, and it is such food that you destroy in order that the soil may be saved.

I beg to support.

MR. CHEMALLAN: Mr. Chairman, I just want to support some of the points raised by previous speakers. References

have been made to pasture and water supplies. These questions are becoming very important. At present the African is in a worse position than, I should say, the European dairy farmer. This is because the European dairy farmer was in a better position to ensure food for his dairy herd other than grazing, whereas in the African areas the African has to depend on grazing in the field. It is a very serious thing, and particularly in areas where grazing has always dried out. I refer in particular to places like the northern parts of West Suk, a great deal of the Samburu country, some parts of Baringo and Elgeyo, where during a few months of the year when there is no rain the whole place is dust. I would request Government to see the necessity of pasture research in those areas. I believe that it is possible to find some sort of grazing which possibly might resist dry weather, in which case I think it would be an idea towards implementing what the hon. member for Nyanza said, and that is trying to check the desert that is encroaching.

Our water supplies are in exactly the same position. At the present moment I think the hon. member is doing all he can to provide water supplies in most areas where rivers and streams are not sufficient, but in places where we do not get good rains it is useless having things like dams, because dams without rain perhaps would be no use. What I think we ought to go in for more is boreholes. I know it is a difficult job; but I am sure in most districts where boreholes are required the Africans would always give their support by giving land for the borehole or by working on it themselves.

Reference was made to the fact that the African got very little benefit from his cattle. One hon. member went so far as to say it was only by dead carcasses in slaughter that the African benefited from his cattle. That may be correct, but is it really the attitude that we should show towards the African cattle man? In my opinion Government has not gone far enough in trying to encourage the African cattle man to realize that he would make more from his cattle to-day if he could do dairy farming; just as the agriculturist is to-day encouraged to do group farming. I think it is the duty of Government to see that these men are encouraged to keep their cattle according to proper methods. The African cattle

[Mr. Chemaitan]  
man must feel dairy farming is the only way that can help him out. It is that point that will make him realize that quality is much better than quantity. Much has been said about this and I do not intend to say much more, except that I fully support those hon. members who have said that the question of pasture research is very, very necessary nowadays in this country, and I hope that in the next few years we will see much progress.

I beg to support.

LADY SHAW: Mr. Chairman, like the hon. member Dr. Rana so often says, I did not mean to intervene in this debate (laughter), but I have been very impressed in listening to several speeches by the fact that everybody thinks Government ought to do everything, and nobody speaks about making any efforts on their own behalf. That, I think, is an extremely important point. It is perfectly obvious that certain things are tremendously necessary to the agricultural industry of this country—water supplies, research, pasture research, and the mechanics of combating soil erosion, but these things alone are not sufficient. If the hon. Member for Agriculture had enough money he could supply us with most of these things, but they would not be the slightest use unless we co-operate. When I say "we", I mean the farmers of all races of this country. Everybody seems to imagine that you have only to ask Government for something to get it, and when you have got it you are at liberty to destroy it. That is a point that has got to be remembered.

It is perfectly useless paying for soil erosion measures, planting grass and so on, if as soon as it is done it is trampled underfoot, dams knocked down and machinery and boreholes destroyed, and so on. Unless we get complete co-operation from farmers of all races in this country the provision of cheap capital, water supplies and everything else is perfectly useless. I should very much like to congratulate the hon. Member for Agriculture for all he has done, and I hope he is not very irritated by the criticisms we have made, because most of them are constructive. But there is no point spending large amounts of money unless we are prepared to co-operate.

One point I wish to make is that I feel, and I think a lot of members on this side feel, that the proportion of money spent on agriculture is too low. I am not suggesting for one moment, though I have no doubt the hon. Member for Finance will think so, that more money should be spent. I should like more money spent on agriculture and less on other services. I should be very willing to try to reduce expenditure on other services, but up to date we have not been very successful. On the other hand I should be more than willing to increase the revenue spent on agriculture, and I have no doubt the hon. Member for Agriculture would be delighted if we could give it to him.

I beg to support.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I think I can call this a debate on "policy". When introducing my estimates I covered a very wide field so that I will try not to repeat more than I can help the things I said then, but I will try and deal with as many of the points raised as I can. They may be in rather incoherent order, because they have been raised in that form.

I also, of course, listened with great attention to the speech made by the hon. Member for Rift Valley, and let me say at once that a great deal of what he said and what other members have said I am in entire agreement with. At the same time, if I may be allowed to say so, I do think that on one or two matters he possibly slightly spoiled his case by over-statement. I say that for this reason, that I think it is a pity if we give people, especially people overseas, and even people who are engaged in agriculture in this country, the impression that we are going backwards. I think it is rather noticeable that since the war, and anyway for the last few years, people in the colonies, and possibly to some extent a certain proportion of the British people as well, seem rather inclined to lose confidence in themselves and are inclined, as the last speaker said, to expect a little too much assistance, to over-accentuate difficulties, and perhaps to under-accentuate achievement. To say that we have no policy at all and that agriculture is going back and that we are drifting is, I submit, an exaggeration. I only want to stress this because I think that

[Major Cavendish-Bentinck]

before one can answer the questions raised in debate we want to get the background straight.

There have been appearing lately in the Press with considerable insistence articles which are apparently based on the following lines—those articles, I may say, have been more or less quoted in this debate. The first one showed that we had increased wheat at least four times; maize remained at about the same level. I point that out because we are supposed to have increased maize unduly. As far as the cattle industry is concerned it has grown to double, and we trebled the cows and heifers held on European farms and doubled the number of pure-bred bulls. Other cattle were nearly doubled, but sheep were going down. Poultry had increased by about eight times, and breeding pigs four times. Having started with a statement of that kind, with vehement insistence in a series of articles they tried to show that we had gone backwards, indeed very far backwards, and they tried to confirm this in the most recent article of all.

Let me say here, that what they are trying to do is to help but, on the line they are following, they are doing more harm than good by quoting a series of figures. Figures are very dangerous things to deal with in regard to subjects of this kind unless framed by somebody with some knowledge of agricultural economy. It is not possible to get a single index figure, and this has been admitted several times in this debate, on which to measure the trend of agriculture. You can try, as has been tried often, to arrive at a composite figure in which many variable yields of varying crops are just milled together, and that is about as useful as a foot-rule made of elastic, or something of that kind. The curves, whether of single crops or grand totals, based on figures of that kind prove nothing at all to anyone that total production varies from year to year, and not a single farmer here does not know that and that there the effect of rainfall on yield is remarkable as was pointed out by the hon. Member for the Coast. If you want to measure the health of agriculture of a country, especially a country in the early stages of development, you must take a period of years, and I suggest not less than ten years, as being of the

slightest use, and you must take a number of simple yardsticks.

For instance, "cash value." That depends on world demand, it depends on subsidies, and this element may tell you in general terms whether farmers are making money or not. If you take the cash value of one year and apply it indiscriminately to years back and forward, it is dangerous. Next, "yield per acre", which shows whether the soil fertility on a farm has been lowered or whether better farming has taken place. Next, "acreage under cultivation", which in undeveloped countries shows whether new land is being broken or whether marginal land is losing fertility and going out of production. Next, "percentage of farm land under each main crop"—that shows where the trend in farm systems is going, whether it is improving or the reverse is the case. Again, you have got to differentiate strictly between "plantation crops" and "ordinary rotational farming crops". The overriding effect of an early rainfall means a smoothing out which has to be gauged and allowed for if the curves are to be of any use at all. As the curves are producing most of the statistics that we rely on, the whole effect of that year's rain is reflected in that year's yield, and that gives one a wrong impression of yield.

I submit that agricultural progress is not and cannot be measured by a single arithmetical unit. You have got to take simple yardsticks like those I have mentioned, and with the help of people who have some knowledge of agricultural economics, study them over a period before you can arrive at any useful or proper deduction. We are very short of that sort of information, very short of anybody with that specialized knowledge, and I agree entirely with what was said by the hon. Member for Rift Valley and others that one of the real things we want to build up is a proper statistical department, but do not cry "stinking fish" on figures that are not worth tuppence.

It has also been suggested that it is a tragedy that the farming industry owes such a lot of money. That £6-million—here again I am afraid I do not share the opinion of other members of Council that that necessarily shows that we are going backwards. I would like to see the breakdown of that figure. It may be that

[Major Cavendish-Bentick] far from showing retrogression it may show that we are making progress, provided that much of that indebtedness has been invested in long-term improvements. It is a personal opinion again, but I do not think it necessarily shows that we have been going backwards. It is, also true to say that advances against minimum guaranteed returns have been utilized during the last year to an extent which they have never previously been used. For 1943, advances against guaranteed minimum returns totalled £73,000; for 1944, £58,000; for 1945, £83,000; for 1946, £74,000; for 1947, £89,000; for 1948, £134,000; and for 1949, £250,000. There again that may be held to show, or tend to show, that things are not well, but it must be remembered that, to begin with, we have increased the minimum guaranteed returns and therefore enabled people to draw to a larger extent against them. Secondly, there has been a big increase in new farmers, who required seasonal help. Lastly, I think the price factor does come into it, and at the present moment people are not only trying to do a great deal more to farm properly but they are spending more in producing crops and finding it difficult to do so within the price margins paid at the present time.

The hon. member quite rightly pointed out the difficulties arising from lack of finance, and that has been touched upon by several members. I would again like to say something about that. Do not let us forget that we have tried to do something, and I think something very beneficial, both for the African and for the European. In the early days of the war, we devised the system of giving minimum guaranteed returns plus guaranteed prices. We allowed people to draw against those guaranteed returns for their yearly expenditure on the production of crops up to harvest. Thereafter they can obtain an advance against their harvested crop. If you look at that dispassionately, you will see that that was done quite deliberately as a form of providing communal finance on a very large scale, and I purposely read out those figures to show that it is communal finance on a very large scale, to European farmers. I do not know where else they would have obtained that assistance—it has cost this Government less than .15

per cent of its potential liability. (Applause.)

As far as the African is concerned, we have equally devised a system of providing communal finance on a very large scale, through means of betterment funds. There again I submit that there is no more practical way at that stage to provide finance to the African than through those funds. I agree entirely with the hon. Member for Rift Valley that it may not be enough, and that we may have to do more. We have something to provide finance to farmers who can show that they would really develop their holdings and farms and improve their agriculture if they could get finance at low rates of interest, and we have to do more for the individual African. Regarding the African, we have a report which has not yet been considered by Government—I am referring to finance for individual Africans.

The debate was adjourned.

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

MAJOR CAVENDISH-BENTICK (continuing): Mr. Chairman, I was trying to show that, while agreeing with the hon. member that all is not well, that our progress probably is not keeping pace with requirements, nevertheless I thought it was a pity to over-accuse shortcomings, when those of us who have known this country very well for a very long time are, I think, really fully aware of the fact that, if you take the last ten years, the standard of farming in this country has in fact enormously improved. (Hear, hear.)

There is another point I would like to stress and that is the time factor, and I am quite sure that nobody will agree with me more thoroughly than the hon. Member for Rift Valley. These developments in agricultural practices and the development of agricultural holdings—the subdivision of these rather large acreages which people had to take up, and took up to begin with, and the developing of smaller holdings more fully, takes a tremendous amount of time, and changes in agricultural practices also take a considerable amount of time to introduce. I am sure the hon. member himself is well aware that it took him a long time to develop his first farm in this country. I know he did it extremely well, but it took him, I am

[Major Cavendish-Bentick] sure, quite a number of years to get it to what he thought was a satisfactory state. (MR. BLUNDELL: Twenty-two years.)

It must also be remembered that we have got a lot of new people here, that they have had to contend with shortage of building materials, shortage of wire for fencing as well as shortage of capital, and there again it takes time to get their work to the state at which we shall see actual financial results.

The hon. member said that for 30 years there has been too great emphasis on cereals. He pointed out that in the pioneering stage there is very little else that people could grow. He then referred to the depression which took place between the two wars, and then he referred to the tremendous emphasis we had to lay on foodstuffs—human foodstuffs in the shape of cereals—during the last war. Of course I entirely agree with him—that is perfectly true, and we must not overlook those facts.

He referred to the lack of balanced agriculture. Now I always think that that is a phrase that is slightly too easily used. Do we know quite what we mean by "balanced agriculture"? Does the hon. member mean—I know that the hon. member does mean actually—balanced agriculture in the sense of getting grown what is required by the country in the country, or does he mean balanced agriculture in the form of a balanced mixed farm? What I think the hon. member means is a balance throughout the whole country, for instance, as between cereal crops and animal products, and so on, and I would like to assure him that we on this side of the Council, and the departments concerned in particular, are fully alive to the fact that we have got to give greater emphasis to the stock industry than has been given in the past. (Hear, hear.) I think no one has said this more in the Council than I have over the last four or five years. That we have had some measure of success is reflected in the figures I quoted, before the interval this morning, but we must also remember that—as many here know to their cost—there are greater dangers and one takes greater risks in stock husbandry in this country than possibly one does in growing cereal crops. We have in this country almost every known stock

disease, certainly every known tick-borne disease, rinderpest, foot-and-mouth, etc., and in addition, which I am coming to later, we have very serious breeding and sterility diseases indeed. Before you can go in for cattle you have got to clean your farm, fence your farm, build dips and do a whole host of things that are expensive. They take capital and they take time.

The hon. member also suggested there was a lack of direction in securing his so-called "balanced agriculture", and he even suggested we should, as an example, have zoning for milk and zoning of milk prices, as, for instance, was done in the United Kingdom. Well, sir, I am very glad he mentioned that because I believe that it is very necessary to adopt a policy of a greater degree of organization of some of these industries implemented in any attempts to get a greater measure of balance in agriculture in this country. But I do suggest this: I have repeatedly suggested to the milk producers of this Colony that I believe in their own interests they should get together to a greater extent than they have so far with the Kenya Co-operative Creameries, and they should form a Milk Board, and having formed a Milk Board they can then zone the production of milk on the lines done in England; they can direct supplies in the direction they should go and in the big towns they can have a zoned system of distribution. (Hear, hear.) That would make an enormous difference to the process of distribution and to the prices paid to producers. But if I were to try and force that on farmers to-day they would quite rightly resist it. It has got to come from the other side; I can only suggest.

The hon. member also mentioned taxation relief. I agree with much that he said, but it is a matter of which I have only very limited knowledge, and I think it has been dealt with by my hon. friend the Financial Secretary this morning. He also suggested subsidies for the conversion of arable into grass leys. Well, we have tried something of that kind, and I am very dubious indeed whether that suggestion is altogether sound. However, we will certainly carefully examine any further suggestions. The proper rotation of crops and the resting of land by putting it under a grass ley is, I maintain, a good farming

[Major Cavendish-Bentinck] practice, but whether one should subsidize people who merely because they are undertaking a good farming practice by giving a direct subsidy I am rather doubtful. We have tried it and it has not worked.

The hon. member referred, and several other members referred, to our lack of knowledge in regard to grass land improvement and pasture work, and grasses generally, the lack of supply of seed of suitable grasses and planting material and so on. I think the hon. member when he referred to three types of grasses was probably referring to *bramius*, Rhodes and molasses, which are the three grasses that are most widely utilized at the present time. It is perfectly true we have a great lack of knowledge, and especially a great lack of knowledge of the suitable grasses for high altitudes. I would like, however, to say this: that we have made provision for further work on grasses, but it is extremely difficult to get the people. I think last year I did tell you that we are sending some of our younger agricultural officers and some of our assistant agricultural officers, instead of always to Trinidad, to places like grassland improvement stations in the United Kingdom, and that I think will have its effect.

But I also would like to pay some small tribute to our senior grass research officer, who has been with us for many years. It is always being suggested that possibly he has not been as effective as he might have been. Well, I have had a good deal of experience and I have had the opportunity of discussing the work done with people from overseas who really are experts on this subject, and I believe in due course you will find that the work done by Mr. Edwards in this Colony has been one of the biggest pieces of individual work for the benefit of the Colony that has ever been done by any one man.

The hon. member and other hon. members have also raised the question of the division has between animal husbandry and agricultural work. I think I touched on that in the debate on the introduction of the estimates. It is a very thorny subject, as you are all well aware, but I do agree entirely with much that has been said, and that we have got somehow or other to bring animal husbandry

work into the orbit of the joint services that comprise "farming" services. We are already succeeding in doing that as regards the High Commission organization, in that animal husbandry research work by the High Commission is going to be done entirely as a joint piece of work under Dr. Keen and whoever succeeds Dr. White. The hon. member also suggested that we badly need a pig station. Well, we have had several plans for that. We originally thought of having one at Kitale and later at Limuru. Those places have had to be given up and we are trying to establish one at Naivasha, and I hope we will succeed.

The hon. member referred to water supplies, as did the hon. member Mr. Mathu. Again I thought I had referred to that at some length in the opening debate. I think we have done a great deal in regard to water supplies—I do not say we have done enough—but we have done a great deal, and I could not agree more that it is absolutely fundamental to every form of progress in this country to increase our water. But again I would sound the same note of warning, that demands for reticulating existing water supplies into people's houses in towns merely causes a further drain on an ever-diminishing supply of water, and that is not what we are supposed to be doing.

I think I have shortly dealt with some of the points raised by the hon. Member for Rift Valley. Again I would like to say, although I took up the attitude I did in my opening remarks this morning, it does not mean that I do not appreciate the truth of nearly everything he said, or that I in any way resent his criticism of Government in the remarks he made. (Applause.) What I did want to establish was this: that we are making progress, we are making very great progress indeed towards establishing agriculture on a sound basis. For instance, it has been said that as regards plantation crops, the acreage under plantation crops has decreased enormously. It has in some cases, notably in coffee, but may I draw your attention to the fact that it is not always a sign of prosperous agriculture when you have large acreages under crops which are entirely uneconomic. (Hear, hear.) I can remember, as can many other members here, that we used to have very large acreages under coffee, for in-

[Major Cavendish-Bentinck] stance, at Solik. They may have produced a certain amount of coffee, but at what cost? They were wiped out by low prices and disease, and in maintaining that coffee area most farmers went bankrupt. That is not sound agricultural industry.

The same thing applies to the sisal industry. We have seen vast acreages of derelict sisal being a very ugly, marring factor on the landscape for years, but those particular plantations were in most cases uneconomic. There may have been a certain amount of salvage work done during the time of high prices, but I still regard some of those acreages as uneconomic from the point of view of forming a basis for sisal. This country has now reached the stage of consolidation. We are subdividing large holdings that were not and could not be properly developed, and a lot of money is going into those subdivisions. You will not see the result of all the work and money that is being put into those subdivisions for some years, but I hope that the people who are occupying those smaller acreages of land are now on a basis on which they can live economically and develop this country.

When we bear those facts in mind and realize that we are gradually getting on to a sounder basis I do not feel we need be very depressed. On the other hand, do not let us be complacent and do not let me for one moment let you think that I or anyone on this side of Council feel we are doing anything like enough to develop agriculture at the present.

The hon. member Mr. Nathoo then talked about sugar research, and said he was pleased to note that we had done something in regard to a sugar research station. We have put up a small research station near Kisumu, an officer has been engaged, and money for that station is being paid out of the sugar cess. Already they have done a remarkable bit of work, I think, in encouraging the planting of sugar in rather a different way on ridges, which seems to be extremely successful.

He also said there was room for a big increase in cotton, and the hon. member Mr. Pritam said the same thing. Well, we have had several drives for greater cotton production in the Nyanza Province and on the coast, but the truth

of the matter is it is not a popular crop. To say that nothing is being done for encouraging cotton is, I venture to suggest, not an actual statement of fact. If any hon. member goes to the Nyanza Province he will see that quite a lot is being done to encourage cotton, and on nearly every experimental plot we have cotton growing, to try and prove to the local native population that there is a suitable type of cotton for that particular area. We are trying to push cotton, but I repeat it is not so far being proved to be a very popular crop to the African as a whole.

The hon. member also referred to the Meat Marketing Board and said he realized that we had to have something of the kind, but we must protect the interests of those who are in the industry. Well, sir, I think that subject will come up when the Bill which will in due course be produced comes before this Council. I would again repeat that if we are going to have a balanced agriculture, if we are going to improve the type of cattle that is at the moment in the African areas, as has been suggested by one African member this morning, we must have the capital and we must have some form of proper scientifically organized marketing.

The hon. Member for Uasin Gishu talked about holding grounds for squatter stock, and asked how the Government's promise was going to be fulfilled in regard to the off-take of certain native cattle. It is perfectly true that I did attend meetings in Eldoret and I did give certain undertakings on behalf of the Government, and I sincerely hope that it will be acknowledged by this time next year, at any rate, that those undertakings have been very accurately carried into effect. It will take a great deal of organizing and it will take a certain amount of expenditure. We have got to purchase surplus stock in large numbers from squatters and we have got to hold or redistribute or bring it down and sell it as meat, and that will undoubtedly entail a certain amount of expenditure, but I have made proposals for meeting this expenditure. I have been before the Standing Finance Committee of this Council and proposals are still under discussion. But I would like it appreciated that we have not entirely overlooked the necessity for meeting this expenditure.



[Major Cavendish-Bentinck]

I am afraid that expenditure will not end there, because equally out of this same source for which I have made proposals I think we may have to purchase some land as a holding ground at this end of the country, when we start under a similar operation clearing up around Nairobi, Thika and that part of the world.

The hon. member also said there was some lack of agricultural planning in general, that farmers were suspicious they were going to be left high and dry now that the war was over, and he seemed to imply, as I think did the hon. Member for Rift Valley, that we were very sketchy in our plans for the future. He also suggested, which alarmed me considerably, that there might be some possibility of a demand that the minimum guaranteed return being withdrawn, and in that case farmers would have a more reasonable case for higher prices. Well I do not think it is anything new when I say that it has always been certainly my suggestion, and I rather think Government has made it clear on more than one occasion that in so far as is practicable it was our policy to give farmers long-term minimum guaranteed prices both for cereal crops and for stock products, beef and so on, and I do sincerely trust that hon. members will support that policy, because it is far safer to have stability on long term than to cash in on what may appear to be possibilities of immediate profits. That is my opinion in regard to agriculture, which is a very long-term business.

As regards a minimum guaranteed return, I have already mentioned this morning that it is one of the systems whereby finance is provided at very little cost to anybody, and so far luckily, at not very great risk, and I think personally it would be a lamentable disaster if anybody thought that the time had come to abolish this particular system. I have already read out figures to show the extent to which use has been made of this method of finance in this last year. You may think it is a wrong method of finance. All I can say is, can you produce me a better one?

The hon. Member for Aberdare talked about breeding diseases. He asked me what was being done at Naivasha, and he stressed the dangers of sterility dis-

eases and the fears that farmers had, and their nervousness of going in for cattle, chiefly owing to the existence of the diseases in this country. It is perfectly true we have in this country at least three very well-known sterility diseases—trypanosoma infection, epivaginitis and contagious abortion. Notably in the second group we have had a very serious spread of disease which not only exists now throughout Kenya, but is becoming a danger in Rhodesia and even in the Union. We have, however, probably one of the best authorities in this country that there is in Africa in the shape of Dr. Anderson. We are hoping to be able to equip him at Naivasha—this was also mentioned last year—and to give him the necessary staff to carry out further investigations and do a great deal more work on these particular diseases. That particular plan I hope will receive assistance from the Colonial Development and Welfare Fund under which we are making an application for money, and I have great hopes that our application will be successful.

The hon. member Mr. Mathu made a number of points. He particularly referred, as he did last year, to research services and to certain fungoid diseases causing great damage to native crops. I am going to ask the hon. Director of Agriculture to reply to him, he will do it better than I can, but I would say this, that I am glad he has not so far suggested this year, as he did on previous occasions, that possibly more of the time of specialist officers was devoted to European areas than to African areas. I should like to give him the most definite assurance that that is not the case.

I gave figures in my opening remarks as to the relative number of field agricultural officers employed in European and African areas. In regard to research, I can give him the most categorical assurance that as much trouble is taken over disease arising in African areas as in any other areas. He also referred to water, and I think I have already mentioned it this morning and before, and the hon. member is well aware that a great deal of work has been done at the moment in Ukamba and other reserves providing, I hope, very much increased water supplies for these African areas.

[Major Cavendish-Bentinck]

The hon. member then referred to local native council forests; and particularly mentioned the Kitui district. He said there were difficulties in getting the tops of the hills protected by declaring them as forests or putting them under the Forest Department, and urged me not to go too fast as we must get the support of the local people. Well, I entirely agree, we must try and get the support of the local people, and we always do. In some cases we find that instead of putting such areas under the Forest Department we get greater success by obtaining some form, not usually frightfully effective, of protection under the local native council or the Land and Water Preservation Ordinance under the aegis of the Agricultural Department. I would draw his attention to the fact that he also stressed that Kitui was a dry part of the country and those people felt that their existence depended on these hill tops. If that is so, it may be our duty to see that these hill tops are effectively protected, even if locally there may be some slight repercussions. (Hear, hear.)

The hon. Member for Nyanza also raised a few points. He again alluded to the undue impetus given the production of maize against other crops. That gives me the opportunity of saying something about the balance of these crops one against the other.

I am told that we have an enormous number of acres of maize in the Colony against all other crops. We probably have over-grown in the African areas, although I now see signs of a reduction taking place, and even grass leys coming into the picture. But, as I said right at the beginning, maize production has been fairly static for a fairly long time, whereas wheat has increased enormously. Other things have increased too; for instance, in the Highlands area the production of barley and oats. When you talk about Government encouraging the balance between these crops, it is not frightfully easy, and I am in very great difficulty indeed in trying to devise a method of encouraging production of barley and oats, which I consider we need, without an uneconomic margin in price fixation. If you take oats, we have at the moment a surplus, which is difficult to dispose of. A few years ago we

had an immense surplus of oats which I was terrified we would not dispose of, but we got rid of it with very great difficulty and without loss.

The sort of system we want if we are going on with guaranteed prices for these crops would be to give guaranteed prices for oats and barley, but only at the level which will render barley and oats economic as feeding stuff for cattle and to allow producers to compete freely if they can get the millers to buy oats for oatmeal, or brewers to buy malting barley for beer. If we make such arrangements we could (a) let producers have the advantage of growing under a planting order, and (b) increase our supplies of stock feed; whilst at the same time it would mean that Government would risk enormous sums of money by guaranteeing fancy prices at an uneconomic level, and people must realize difficulties when talking about guaranteed prices. I do not know if I have made myself clear, but there are very real difficulties indeed in trying to deal with the price structure of crops and the balance of one crop against another.

The hon. member also mentioned desert encroachment, and suggested that somebody should be sent down to the Union or to the United States of America to see what was done there. We have even had suggestions made in this desert for a sort of Great Wall of China to prevent desert encroachment, but I have very little faith in a barrier of that kind. As regards the Northern Frontier, we have in preparation the Dixey scheme which is, in fact a scheme for arresting this very serious threat of desert encroachment. In short, it is to provide water to spread grazing areas and, generally speaking, to arrest desert encroachment by a very large scale improvement of the land. This has more chance of success than a Great Wall! The hon. Member for the Coast rather agreed with that, and mentioned the Uaso Nyiro River. That river has been the subject of discussion for many years, but there is now a possibility I believe of dealing with part of that area on different lines. I believe that possibly a lot of water could be found in the lower reaches below Archer's Post, whereas I am doubtful whether any water passing Archer's Post will get even to where it is wanted. We are examining proposals at the moment.

[Major Cavendish-Bentnick]

The hon. Member for Kiambu mentioned coffee and the cost of the coffee services. He pointed out that there were certain revenues that would accrue, for instance Jacaranda Farm, which went into general revenue and did not appear in the estimates. But this year he will find the item in the estimates of £6,000, but I will leave that to be answered by the hon. Director of Agriculture.

The hon. Member for Western Area asked what steps were being taken to stimulate rice growing. I think he suggested that the African producer is not allowed to sell rice or is placed at some disadvantage, and that a lot of rice produced by Africans went into the black market—

MR. PRITAM: On a point of explanation, I said that about ghee, not rice.

MAJOR CAVENDISH-BENTNICK: I am sorry I misunderstood you. You said something about stimulating rice? (MR. PRITAM: Yes.) Actually why the producer is not getting his price is because of an issue in the Nyanza Province which I am personally investigating. As far as the stimulation of rice is concerned, we are doing quite a lot in that regard. We are hoping that the machinery which has been bought from Mowlem Bros. out of the Betterment Fund will be available to break up large acreages of land which at the moment are not used and which we think is suitable rice land, so that we may have quite a big rice industry going shortly in that province. (Hear, hear.)

The hon. member Mr. Shary complained that the coconut industry was in a very bad way, that nearly all the coconuts at the coast are in a dying condition and that very little was done to advise would-be growers and assist them. This is a question that arose when I was down at the coast a month or so ago and we went into it quite carefully. It is perfectly true, the coconut industry of the coast to-day is in very poor shape, and most of the coconuts in the coastal belt are dying. They are dying for two reasons. Either they have been planted on totally unsuitable land, or because unfortunately most of the tops have been extracted for the purposes of alcoholic stipulation. That does not mean that we should accept this condition; we are going to do all we can to try and

rehabilitate the coconut industry on the coast. Indeed, we are thinking of starting a model coconut plantation on quite a big scale in order to show the people how it should be done and to help them generally in that area.

The hon. member Mr. Ohanga said there was no positive policy for production in the African reserves, and that if we had one it had never been put into effect. I should like to make the same remarks in regard to that assertion that I made in regard to the proposals that, for instance, the milk industry should be better organized. We can only do a certain amount in the way of what you call enforcing a positive policy. It can be done by force, but I very much doubt whether enforcements of positive policies are either acceptable or whether that is the way of achieving progress. I would say to the hon. member that the proper way is a policy of direction and complete collaboration on the part of his people. I sincerely believe that it is on these lines that we are progressing, and it is indeed on these lines that we have in the last year or two made very great progress indeed.

The hon. Member Mr. Chemallan mentioned water supplies and pasture, and again asked for a greater measure of pasture research. He said that dams were not much use if it did not rain, and recommended boreholes. We are, I think, trying to do quite a lot in the way of surface catchments as well as boreholes in native areas, but there is a lot to be said at the moment for dams as against boreholes, for more reasons than one.

I have tried to deal rather cursorily with a number of the points raised, and before continuing with trying to introduce my sub-Heads I will see if anyone else has anything to say.

MAJOR KEYSER rose.

THE CHAIRMAN: I thought that through the usual channels a debate had been arranged and that, by analogy at least with what happens in Council, when the hon. member had replied the question would be put, but I now see two members rising to continue the debate.

MR. NATHOO: I am sorry, sir, I rise to ask the hon. member whether he considers ghee is such a greasy question that it should be left alone!

MAJOR KEYSER: I thought the debate would go on until we had said all we had to say. The hon. member has merely replied to points raised up to now.

THE CHAIRMAN: I understood when notice came to me that a debate of this kind was to be raised in Committee of Supply, and as so many things which are not normally dealt with in Committee of Supply have been raised, that when the mover of the motion replied the debate would end automatically, but I am entirely in the hands of Council. If you wish to go on debating you must go on. I utter a protest on it, and next time anybody says there is an arranged debate I shall have to have a definite understanding of what "arranged debate" means.

MR. COOKE: The hon. member did arrange that the hon. Member for Agriculture was going to speak after him.

THE CHAIRMAN: It does seem to me that we are departing entirely from the rules of Committee of Supply. We are having a debate as if we were in Council, but it is your own affair. I agree with you, we are in Committee of Supply.

MAJOR KEYSER: I did not understand we were having an arranged debate. I thought that we normally had a debate on the policy of the Heads that come under Membership.

THE CHAIRMAN: Not always. We only had this rule last year and we did not do it very well, I must say. This year I thought we were having some limitation, agreed to on both sides, but if it has not been agreed of course I cannot intervene.

MAJOR KEYSER: I did not understand that myself, sir. May I speak then, sir?

THE CHAIRMAN: By all means.

MAJOR KEYSER: I do not think myself that this debate has been a waste of time, or that if it goes on a little longer it will be a waste of time, because I believe that the subject we are debating to-day is the most important subject that is dealt with in the whole of these draft Estimates. It is the only source of wealth that we have in this Colony, and I believe we have got to give very grave consideration to how this particular subject is going to be dealt with.

The hon. Member for Agriculture defended any imputation that there had been no agricultural progress, and I think he defended it very rightly, but I do not think anybody on this side of Council did say that there had been no agricultural progress. What has to be remembered is this, that up till about 1942 there had been very very poor progress in agriculture in this Colony, in fact, practically none. (MR. RANKINE: Shame!) (MR. BLUNDELL: 1942.) I said up to 1942 there had been extraordinarily little progress. It is true we had been ploughing the land, and planting and reaping crops, but we were told on numerous occasions, in this Council as well, that we were mining, not farming, and I believe that to some extent we were, and the reason for it was that nobody could tell us how to work the land in any other way.

Since 1942 I believe that considerable progress has been made, but the thing that we lacked probably more than anything else, as the hon. Member for Rift Valley said, was knowledge; and we still do not know much about our soils; in fact, extraordinary little. If we started to have a debate here on our soils I am quite certain that it would only take us some half-hour or so to discover that nobody knew anything about our soils in Kenya at all. It is only in the last few years that any plan for research has been laid down.

The most important point, I think, in the speech of the hon. Member for Rift Valley was that he did not consider that sufficient money was being spent on establishing agriculture on sound lines; in other words, in providing the knowledge that was necessary for agriculture to progress, and I entirely agree with him. We are being quite consistent on this side of Council, because last year we debated this particular head on the same lines, and we said that we considered that there was not sufficient expenditure in the draft Estimates on productive services. We are merely carrying on with that policy of ours. We consider that far greater expenditure should be utilized on laying down sound foundations for agriculture and acquiring the knowledge that is necessary for it, and in order to do that we quite realize that other services must suffer, and the hon. Member for Rift Valley, I think, did mention certain services that

[Major Keyser]

he considered should be cut down for the benefit of agriculture.

The hon. Member for Finance, in referring to the speech of the hon. Member for Rift Valley, said that he appears to advocate a policy of increasing expenditure and reducing revenue. I suppose by reducing revenue he was referring to his suggestion of a reduction in income tax on agricultural development. I cannot think in what other way the hon. member suggested any reduction of revenue, but definitely he did propose an increase in the expenditure on agriculture and a reduction in expenditure on other services. (MR. RANKINE: What were they?)

MR. BLUNDELL: On a point of explanation, I did say that if the hon. Member for Finance and the hon. Member for Development would like to ask me I would tell them, but they did not ask me. (Laughter.) (MR. RANKINE: I have not had much of a chance yet?) (MR. BLUNDELL: When I was speaking—)

THE CHAIRMAN: Order!

MAJOR KEYSER: Anyhow, we did on this side propose reductions—I think we spent two days in proposing reductions to certain items and we were defeated over them. I think if it is a choice between money being spent on research and other services, it would have been far better for this Colony to have accepted the reductions proposed by this side of the committee in this debate and to have spent that money on agriculture.

The hon. Member for Finance went on to discuss the question of prices, and he talked about the effect of prices on the cost of living. Well, Sir, we have not had the report of the Commission on the Cost of Living yet. (Laughter.) (MR. RANKINE: Shame!) I am in no way criticizing that delay (Laughter), but nevertheless I believe that in the budget of the ordinary housewife, in this town if you like, the items of expenditure on primary products like meat, milk, sugar, coffee and tea, are insignificant compared to the amount that is spent on imported articles such as petrol, motor cars, imported goods, drink, anything of that sort, and I say that the locally produced items are a very small proportion compared to the imported articles in that cost of living.

He referred to a remark of the hon. Member for Uasin Gishu about a new formula for arriving at the cost of production. I have been engaged, I might say, almost for the last five years in trying to get at what I consider to be a fair price for primary produce in this Colony, and every time there has been a suggestion that costs of production have risen and that the farmer is entitled to a little more for his produce, there has been a fight. There have been some great battles over it, historic battles almost, over this particular subject. Yet the prices of all these imported articles that we have to deal with in this Colony go up without the slightest bit of difficulty or fuss or anything of that sort. (MR. MATTHEWS: No, Sir.) Well, Sir, only recently the price of petrol and oil and lubricants went up by a very considerable amount, and I thought: "Well, this is a little bit steep," our having been talking a considerable amount on the question of the increase in the price of maize, and I took the trouble to ask a member of the Member for Finance's department why these prices went up so very easily without any discussion by anybody that I know of in this Colony. His reply was that there was an international agreement, and that prices followed a formula, and when certain things happened in the world the price of oils and fuels went up in all parts of the world by a certain amount, worked out by that formula. If that is not the easiest way of putting up prices of various commodities, I do not know an easier one. I know a considerably more difficult one, and that is trying to work on a formula that was got out in this Colony, and for some reason or other that particular formula which was got out after very great difficulty—originally the farmer protested against the basis of the prices of products which is worked today—but having been accepted, it is now going to be altered because the hon. Member and a few other hon. members do not consider that it is quite, shall we say, sound. I did not think it was sound when it was first evolved. It was not evolved by the farmers, but by a committee appointed by Government.

There was a reference to agricultural indebtedness, and there is no question about it, agricultural indebtedness is increasing, and it is increasing because

[Major Keyser]

the profits of the farmers are dropping for various reasons. I am not going into the reasons for that, but they definitely are, and the indebtedness of the average farmer is increasing. There seems to be an idea in this Colony that farmers are making an enormous amount of money because there are half a dozen very successful ones who have been not only industrious and have farmed at a very high standard, but they have also been fortunate. There are no doubt a certain number who are doing very well out of farming, but the average farmer is not, and the main reason why he is not is because the gap between the cost of production and the price he gets for his products is too small—the margin is far too low.

It is very easy if a certain group of farmers get low yields to say: "Oh, yes, of course, these farmers are farming very badly because in certain parts of the country there are farmers who are getting 16 and 20 bags of maize to the acre, and here are these chaps only getting four or five, therefore they must be extremely bad farmers". What is not really understood, and I am surprised it is not understood more, is that the great majority of the land in this country is of very poor fertility. There are small areas of very rich land, but the great majority of the land is not very rich, and because a small percentage of farmers do grow a particular crop successfully they should be taken as standard for all types of soil in farming. I think is extremely unfair. In any case, Sir, the yields of a crop like maize in this Colony compare very unfavourably indeed with the yields of maize in the world.

Sir, the hon. Member for Agriculture referred to breeding diseases, and I am just as nervous about the stock industry because of breeding diseases as the hon. Member for Rift Valley. The hon. Member for Agriculture mentioned three diseases. He mentioned trypanosomiasis, contagious vaginitis and contagious abortion. But that is not the full answer to the whole question of breeding, because I am quite sure that there are herds in this Colony that are free of those diseases and yet their percentage of breeding is very low indeed, and there are certain conditions prevailing in the Colony besides those three breeding

diseases that are affecting our breeding very seriously, and it is those conditions that in my opinion should be investigated. It may be that there is another disease. It may be a disease due to deficiency of minerals, but that position is prevailing to-day over very large areas of the Colony, when no specific disease can be found responsible for the low breeding percentage, and yet it is very low.

There is just one more point I would like to refer to and that is the remarks made by the hon. Member for Ukamba, in which she said that she thought we should do something for ourselves and not always ask Government to do things for us, and I entirely agree with her. I think there is far too much asking Government to do things which we can do very well ourselves if we only put—to use an unparliamentary term—a little bit of guts into the whole thing. But there are nevertheless quite a lot of services which the farmer cannot perform for himself, and research is one, and one of the great mistakes I think that has been made in the past over cereals is that the breeding of hybrid maize, which was started somewhere about 1930, I think, was allowed to drop. Now the one factor that has affected yields of maize in the world has been this breeding of hybrid seed in America and South Africa and in Rhodesia. It has given an extra yield of about three bags to the acre, yet we cannot in this country gain by hybrid seed maize. There may be certain reasons for it, but I think if there are the hon. Member for Agriculture should tell us why in the past some steps were not taken to produce this hybrid maize.

I see, Sir, the red light, so I will support, Sir.

MR. MATTHEWS: I would like to correct immediately any suggestion that the increase in the price of petrol and oils had any reference whatever, or was directly related to any international formula. I think everyone in this Council knows it was in fact related directly to the consideration that sterling was revalued in terms of the dollar, and if sterling does depreciate in terms of the dollar it is natural that we have to pay more for the same amount of commodity. If, however, the hon. Member for Trans Nzoia has any way to suggest to us or

[Mr. Matthews]

to me how we can continue to get the same amount of petrol for the same amount of sterling. I think it would be a calamity of the first magnitude if that suggestion were not made.

I may say that when the revaluation took place, naturally the oil companies themselves, the local offices, were most anxious about this, and immediately clamoured for an increase in price on the ground of replacement costs. We went into this matter with great care and we convinced them that it was not a case for an immediate increase in price, nor was it a case for an increase in price of the magnitude requested. The oil companies were very reasonable about this, but it was a matter for great and anxious consideration. I may say as a result of the agreement that was reached, the petrol consumers in this country and the community at large were saved a very large sum of money indeed, approaching £1,000. I thought Council would like to know that, Sir.

MAJOR KEYSER: I am very grateful to the hon. Member for his reply. I am glad it will be considered; because I shall refer to what he said when the price of cereals comes up next, and the effect of devaluation on the cost of production.

MR. GILLET: Mr. Chairman, quite naturally there is rather a lot I would like to say, but as this debate has been going on for a considerable time, and as my hon. friend and Member has replied so fully, and as he has actually only given me permission to answer two questions—(laughter)—I will confine my remarks as much as possible. I would, however, like to pay my tribute to the very excellent speech delivered by the hon. Member for Rift Valley in this Council yesterday morning. I should also like to take this opportunity of thanking the hon. Member for Nyanza and the hon. Member for African Interests Mr. Mathu for the very nice tribute they paid to the field officers in my department. I am only too sorry that the hon. Mr. Mathu's colleague Mr. Ohanga was not prepared to join him in that tribute.

Replying to one or two questions which have not been specifically referred to by the Member for Agriculture, I will deal first of all with those of the hon. member Mr. Mathu. He referred when

dealing with the general agricultural set up to the fact that soil erosion work had now almost been completed and stressed the necessity for manures, fertilizers and rotation of crops. I entirely agree with him. I do not mean to say soil conservation work has been completed, but we have got that primary necessity across very satisfactorily now to the African farmers, and are now on the next step—stressing the importance of manures, fertilizers, rotational leys, etc. We are having very great success in the Kiambu reserve and Nyeri on these important subjects.

The next point he raised was fungoid diseases, and as he raised this in debate last year I presume he does attach a very considerable importance to it, but to be quite frank I am not quite sure what he means when he refers to fungoid diseases in crops such as sugar, sweet potatoes and yams. (MR. MATHU: Sugar cane, I meant.) Sugar cane, sweet potatoes and yams. I can only think that possibly in addition to fungoid diseases he was referring to viruses and insect pests. If that is so with regard to sweet potatoes and yams, then quite obviously the pest he is referring to is the mealy bug, which is the same mealy bug (*pseudococcus Kenya*) which attacks coffee. The coffee team services have been working on that problem for a number of years, and have now got a very good and successful biological control. While it is not 100 per cent it is very satisfactory, and I can assure the hon. member that had it not been for biological control of the mealy bug, the position of yams and sweet potatoes, especially in the Meru Reserve, would have been in a very precarious position to-day. If he can tell me of any specific places where we have not done anything I shall be only too happy to see that steps are taken.

Finally he referred to educational facilities, agricultural education. I would wholeheartedly like to support every word he said, and I assure him that I do attach the very greatest importance to seeing that in future our African agricultural instructors receive the best possible training that we can give them. For that purpose I have taken steps to see that the very best staff available is placed at Maseno and Embu, and the same will happen at Matuga on the coast as soon as that school is opened up.

[Mr. Gillett]

Referring now to the questions of the hon. Member for Kiambu on coffee services. The cost thereof and the sale of the crop being shown in general revenue. It is, of course, quite true that a considerable amount of the expenditure shown on the expenditure side is reimbursed on the revenue side. It varies very considerably and next year it is true, as the hon. Member for Agriculture has said, we have put in an item of £6,500. That is a haphazard guess; no one can tell with the fantastic prices of coffee and the equally fantastic drought in the coffee areas, whether it will be £1 or whether it may well be £12,000.

Lastly, the point raised by the hon. Member for Trans Nzoia on hybrid maize. As he stated, the department did work on hybrid maize from 1930 to 1941, when we had to close owing to lack of staff. I must also say, as he well knows, and if I do not say it he will obviously shoot back at me, that the results of 1941 were unsatisfactory. In fact, the hybrid maize we had at that time was not giving yields comparable with ordinary selected maize in the country. That is unfortunate, but is a position that may always occur, as there is a certain element of luck in all these breeding programmes. However, we do feel the vital necessity for carrying on this work and it has been reintroduced as a first priority of the senior plant breeder, and later on when we come to the items in departmental vote you will note that I am asking for one extra field assistant to assist specifically on hybrid maize work in future.

I beg to support.

MR. VASEY: This debate has ranged far and wide and has been extremely instructive, but I beg humbly to move that the question be now put.

The question was put and carried.

The question that Head 22 be approved was put and carried.

Head 23—Services under Authority of the Member for Agriculture, Animal Husbandry and Natural Resources

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I beg to move: That Head 23, Services under the authority of the Member for Agriculture, Animal Husbandry and Natural Resources, be approved. That is items 1 to 34.

Under the Board of Agriculture it will be noted that there is a new post of chief executive officer with a fairly high rate of salary. As against that, there is a post of assistant chairman which has gone out, and there is a reduction made in the payment of salary, so that on balance there is a very little increased expenditure. It is important to have a chief executive officer of some experience. We have been lucky enough to secure the services of a man who I believe will prove exceptionally satisfactory. It will also be realized that there are considerable reductions in the numbers of clerks, European, which I undertook to try and introduce last year. There is also rather a large item under this head, reliefs. It also applies on the previous vote. That happens because a particularly large number of my staff happen to be going on leave this year.

Finally, I should like to draw the attention of members to item 34. This is a fairly large item, expenses of boards, committees, and so on. That I think covers expenditure on the regional water boards and their clerical staff; also the Central Advisory Angling Board and the expenses of various similar bodies. That is why it is rather a large figure.

MR. HAVELOCK: I beg to move the deletion of item 16, Assistant Machinery Controller. I believe that the work in this particular aspect has been very much reduced of late, and anyway from the point of view of my constituency there seems to me little satisfaction with the work of the Assistant Machinery Controller, and I beg to move.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, as regards the Assistant Machinery Controller, it is true to say that it looks as if the work under this head is decreasing very considerably. I did give very careful consideration as to whether it would be possible to do away with this post by the end of this year, and I consulted the Board of Agriculture and everybody concerned. I was unanimously advised that it would not be possible to do away with him at the present moment. The present idea is that it may be possible somewhere about the middle of next year to abolish that post. I would suggest—it is a friendly suggestion and it is entirely in your hands—that this post should be retained until June.

MR. HAVELOCK: In view of what the hon. member has said, I am prepared to withdraw my motion for deletion, but I would like a definite assurance from him that he will do his very best to end this office in June; otherwise the logical course I would suggest is that the amount should be reduced by half.

MAJOR CAVENDISH-BENTINCK: I do not suggest the precise amount by which it should be reduced because I do not know what we are committed to in the way of leave or something of that kind. This man of course is not pensionable, he is on temporary agreement, and I believe it is a month-to-month agreement. I cannot tell you that definitely at present, but I am prepared to accept some small reduction to show that it is my intention to get rid of this post during the course of this year.

MR. HAVELOCK: May I amend my motion reducing the amount of item 16 by £200?

The question of the amendment was put and carried.

MR. PRITAM: Mr. Chairman, I beg to move the deletion of items 17 and 18.

My reason for proposing this deletion is that this is a type of work which can easily be taken over by the Kenya Farmers' Association or any other similar organization. We have been told year after year that the hon. Member for Agriculture will look into the matter. The time has now come when we should do away with these controls as far as possible. If there was no organization naturally the question would arise who should take it over, but we have a very fine organization in the shape of the Kenya Farmers' Association, and the time has come when it should be handed over to them.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I am afraid, speaking on behalf of the Government, that I must oppose this suggestion very strongly indeed. Under stockfeed, wheatfeed and fertilizer control you will first of all notice that all that is contributed by the public is £120 a year.

Taking stockfeed first, we are in very great difficulties in securing enough stockfeed for the bare minimum requirements of the stock industry. We have to have very difficult negotiations with Uganda; sometimes almost acrimonious ones, but

sometimes happier ones, in order to try and get what we require from Uganda at anything like a reasonable price. We have to ration all stockfeeds, we have also to get some from Tanganyika and some from Zanzibar, and also some from local production. We have to equalize it all and we have to distribute it to stockowners. I can assure you it could not be done entirely by the Kenya Farmers' Association, or by any other one source. We use the Kenya Farmers' Association as our agents in certain districts, and also the Kenya Co-operative Creameries in certain districts.

As regards wheatfeed, there is again a great shortage of brans and pollards and so on. There is a further complication which will arise shortly owing to the probability, and indeed certainty, of a request for a rise in the price of wheat, and we may have to meet part of that rise in price, if it is granted, by an adjustment in the price of wheatfeed, which has not gone up since 1939. That again is very much integrated with Government policy, and I must have some control under my own hands of wheatfeeds.

As regards the fertilizer control, we have a large Government subsidy for fertilizers amounting to £24,000. When we come to that item I shall explain to Council that maybe we shall need it, maybe we shall not, but it looks, owing to the amount of control of it, that we have now possibly got the price of fertilizers down without a subsidy to the same price as it would have been last year with a subsidy. But I must add that these three things are of paramount importance to the farming industry, and I consider that at the present stage I must have some control of them myself.

MR. PRITAM: Mr. Chairman, in view of the explanation I should like to withdraw. (Applause.)

The question that Head 23 be approved was put and carried.

MR. RANKINE moved that the Committee rise, report progress and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Thursday, 15th December, 1949.

#### Thursday, 15th December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 15th December, 1949.

Mr. Speaker took the chair at 9.35 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 14th December, 1949, were confirmed.

#### PROCEDURE UNDER STANDING RULES

THE SPEAKER: Before we go into Committee of Supply, I would like to say a few words on the question of procedure.

I was saying yesterday that I thought there was an arranged or set debate on the policy of the Agricultural Department. I think they are in the process of building up a sort of convention about Committee of Supply, and this particular convention is that when an *ex officio* member of Executive Council, a member under the membership system, introduces a whole group of votes inter-related which are under his charge there should, if hon. members on the other side of Council desire it, be a debate on policy. If there is to be a debate on policy, it must nevertheless come within the rule, the general rules, as to motions and the way motions are debated in Council as well as in committee. There are slight differences in each case, but the general rule is that the right of reply is reserved to the mover of the motion, and if no amendments have been moved to it there comes a time when I am entitled to call upon the mover to reply thereto, and after then to put the question.

I did not yesterday ask if there was any other member wishing to speak before more or less nodding to the mover, but I did think it was understood that this was a policy debate and that the debate had more or less exhausted itself. However, if that is understood, you will see the meaning of rule 43 (vi) (b) (ii), about two speeches of 30 minutes by unofficial members, and the mover of the main vote being unlimited both in addressing the Committee and in reply. If any member wishes to raise anything on that matter now, please let him do so.

MAJOR KEYSER: Mr. Speaker, I would like to suggest that we have time to consider that, because it is not what we understood would be the procedure.

THE SPEAKER: You did not, I agree, follow it fully last year, but with great respect to all members that ought to be the procedure: You are, in fact, trying to establish what I would call a convention in Committee of Supply, and are following much the same practice which is followed in the House of Commons on the Navy, Army or Air Force estimates, where they do have a policy debate on the first vote or head, which is generally on the vote for pay and wages.

MR. VASEY: Mr. Speaker, the suggestion of our leader is that he would not like to make any comment on it but would like time to think it over.

THE SPEAKER: I take it there will not be another policy debate to-day? That we shall be criticizing details of agriculture for some time. The order of the day is to go into Committee of Supply.

#### COMMITTEE OF SUPPLY

##### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

##### Head 23A—Services under the Authority of the M.A.A.H. & N.R. Extraordinary

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I beg to move: That Head 23A be adopted. There is only one item on which I wish to comment, that is item 29, a contribution to the European Settlement Organization, which would appear to be a new item and an increase of £5,000. That is not so. It was, in fact, shown differently last year; the same figure appeared but it was shown under European Settlement Extraordinary, page 105 of last year's estimates.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I want to ask one question of the hon. member under that Head: Whether in fact the loss shown of £7,000 on the Machinery Pool is a real loss, or is due to Government accountancy, because I see that a lot of new machinery has been purchased, and it may well be that, in fact, this department is not needed now. In the debate last year I

[Mr. Maconochie-Welwood] moved the deletion of the item completely, but an assurance was given by the hon. member that he would look into the matter. I should also like to ask the hon. member whether he would consider the deletion of that item, Machinery Pool, as soon as it can be wound up as, in fact, it would appear that there is enough machinery in the country now to perform the work of the farmer without having recourse to the Machinery Pool.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, on this matter I should like first of all to explain that this question as to whether we should continue the Pool or not seems to come up every year. It is quite true what the hon. member said, that I was to look it up. I did say I would go into the matter and see whether it was possible to bring to an end the activities of the Pool, although I did not think it was. My personal advice is that we should not do so. In accordance with that undertaking, the matter was placed on the agenda of the Production Conference, the conference of all the chairmen of Production Sub-committees and others. They unanimously passed a resolution that not only should the Machinery Pool be continued but that it should be continued on its present lines and that there should be some definite arrangement made so that the employees of the Pool and others responsible for its operations on the different farms should be able to have an undertaking that it would probably go on for three years. That resolution was passed on to the Board of Agriculture, among whom there were a number of members who took the same view as has been expressed by the hon. member this morning. They also unanimously, after some discussion, endorsed the recommendation of the Production Conference. As a result of that, the matter was referred to Executive Council for a direction of policy, and Executive Council accepted the recommendations of the Board of Agriculture and the Production Conference to the extent that we have put the employees on contracts for the normal three or four years.

That does not mean, of course, that they have not got a clause for the three months' termination, it does not mean we could not absorb them elsewhere.

The position really is this: if I am asked as the Member of Agriculture whether I think the Machinery Pool is necessary, my reply is in the affirmative. I have put that question to the bodies that are recognized as advising me on these matters—it was placed on the agenda of the Production Conference—their reply is in the affirmative, the Board of Agriculture's reply is in the affirmative. Therefore if this Council decides to abolish the Machinery Pool it has a perfect right in doing so, but it must accept the responsibility *vis-à-vis* the country for having done it.

This is an important question, and I would like to explain what the position of the Machinery Pool is. In 1947 the recurrent position, taking into account depreciation of the machinery, was that we lost £14,898. I have some difficulty in answering the hon. member's question precisely, because we do not carry our accounting out on strictly commercial lines. It would show a rather different position if we did it on strictly commercial lines. In 1948 the Machinery Pool lost £15,783, and in 1949 from January to July the loss appeared to be about £7,000. We have on two occasions put up the costs to the farmers of doing the work that we do, and we have also on two previous occasions taken out of the schedule types of work, certain operations, because we do not do any drilling. In July last we again raised the prices of the work we do for the farmers, and we have a number of complaints now that we are charging ridiculously high prices. Nevertheless, let me tell you, we are flooded with demands for doing the work even at those prices, and from July to October, 1949, we have made a profit of £1,500. It looks as though the profit is continuing, but I have no accurate figures for the last six weeks or two months.

As regards the capital, since the very commencement of the Pool, all throughout the war and post-war period we have spent £90,000 on machinery, and since the commencement of the Pool we have sold machinery to the value of £22,000. I am giving you round figures. The depreciation over the whole period done on a commercial basis would amount to £30,000, so roughly speaking the value of the machinery we have on hand at the present time is £40,000.

[Major Cavendish-Bentinck]

There were a considerable number of complaints the year before last, and to some extent last year, as to the efficiency of the Pool, and that was attributable to two causes. One is that we lost our Italians, and we had the greatest possible difficulty in getting suitable people to run this machinery. We have also discovered it is quite impossible to let machines out under Africans, because they are immediately ruined. We only let machinery out in groups of a team under a European, and it is almost impossible to get European foremen who are of any use at all, as we do not pay them very high wages unless they have some security of tenure beyond a month or two months' basis. That is really the reason why the committee runs the Pool, and the Board of Agriculture and Production Conference recommended a three-year period.

During the period 1st November, 1948, to 31st October, 1949, the cultivation carried out with 16 tractors was as follows: in blocks up to 50 acres—I am giving you these because we ascertain whether we are helping small or big men—in blocks under 50 acres, 33,450 acres; in blocks between 50 and 100 acres, 7,680 acres; in blocks between 100 and 200 acres, 9,030 acres; and in blocks of 200 acres, 6,500 acres, so the total cultivation done was 26,660. Of the total harvesting carried out there was much the same proportion and we did 16,000 acres of harvesting. The total cultivation amounted to 26,660, including the breaking of new land.

That is the position as regards the Machinery Pool! I do not know whether there is a definite proposal to abolish this item, but all I can say, on behalf of Government is, I oppose.

MR. VASEY: Mr. Chairman, there is just one point I would like to ask, because it does seem to me the Machinery Pool is being somewhat badly advertised. If I understood the hon. Member for Agriculture right, in the year 1948, the Pool is supposed to have lost £15,000; I think that was the figure. In that particular year the Pool purchased, according to the estimates, £26,421 worth of machinery. If that were placed against the Pool's accounts in one year, a practice which would certainly not be allowed in any commercial concern, of depreciating

all of the machinery assets in one year, and the advertised position that the Pool lost £15,000, it is, I suggest, commercially inaccurate. Had it been a commercial transaction we would have had to write off the machinery over a three-year period, which would have reduced the capital amount appearing in the 1948 estimates to something like £9,000, and the Pool would indeed have shown a profit. I would like confirmation from either the hon. Member for Agriculture or from the hon. Member for Finance, that this is not the position, because if that is correct the losses, so-called, over the three-year period are more than equalized by the amount of assets the Machinery Pool has in hand, and it has indeed been making a profit, and I would suspect its charges are a little too high for anything run on a commercial basis.

MR. HAVELOCK: In spite of the ingenious financial argument of my hon. friend, the Member for Nairobi North, and in spite of the encouraging figures the Member for Agriculture has given us, I would like to ask the hon. member to go again into this matter of the Machinery Pool. I have heard many many complaints, mostly on the lack of maintenance, and also on the excessive staff that is employed when one machine breaks down. I am told two or three Europeans and many Africans come along and try and put one machine right and the maintenance on the machine is neglected very greatly. Personally, Sir, as I have said before in this Council, I would favour this matter being taken over, if possible, by private enterprise, but if it is not possible then I only hope the Machinery Pool will be run competently and properly and efficiently, and their machines will last much longer than they are doing now.

MR. MATHU: I have two questions to ask of the hon. Member for Agriculture. One is on a remark which he made, that when they lost the Italians they could not get people to take charge of the machinery when it was lent out, and if it was lent out under Africans it would be ruined. What I want to ask the hon. member is whether these Africans are trained mechanics who know their job or whether the hon. member, when implying that all machinery under Africans is ruined—because that would be a bad thing if it is—if he means it is all going

[Mr. Mathu]

to be ruined if the Africans are on the machines. The second point is on item 24, whether it is possible to pay Africans adequate wages to avoid this spoonfeeding by the issuing of rations.

MR. MATTHEWS: Mr. Chairman, there is no doubt that the only possible way of investigating the finances of this Pool is to have a proper trading account. This problem is rather similar to the one raised on the question of prisons. You cannot possibly, by subtracting revenue from expenditure, say that is the loss, or, in the case of revenue exceeding expenditure, say that is the profit. There are assets carried all the time, and I think it best in a case like this to consider whether it would not be better to take this item out of the estimates altogether and have a proper trading account, and I will consider whether that will be right and proper for the future during the course of the coming year.

MR. VASEY: In the event of the admirable suggestion of the hon. Member for Finance being accepted, as has been done with other trading accounts which should not slip completely from the purview of this Council, might we have an assurance that it will appear as an appendix in these estimates?

MR. MATTHEWS: If that is the wish of the Council I give that assurance.

MAJOR CAVENDISH-BENTINCK: Two further points have been raised. One, it is suggested that the machinery is very badly maintained and there is excessive staff employed; also that there are a good many complaints. I have heard a great many complaints and I have tried to investigate some myself. There was a time, up to about 18 months ago, last year, in which the machinery we were operating was very old. It was also suggested by an hon. member that it would last longer if it had been properly maintained, but I think I can give him figures to show that some of our machinery has doubled what was considered to be its normal life, it was in the last possible stages of being worn out. That has been amended now and we have now quite decent equipment in the pool. I do not think there is an excessive staff. We certainly go into it very frequently and our difficulty at the moment is to get the bare minimum of European staff.

As regards the points raised by the hon. member Mr. Mathu, he first of all asked whether I was implying that machinery operated by Africans was bound to be ruined. Well, Sir, I did not of course give that impression. It is not exactly what I meant, but I do say this: that if you have a lot of Government machinery in a pool of that nature and allow an expensive thing like a harvester to go out with one or two Africans looking after it, no matter how well we have endeavoured to train those Africans it is very hard for those two men not only to service the machine properly, because they are very complicated machines, but to protect it from abuse, sometimes from the person it goes to as a separate unit. Therefore it is very much wiser and indeed essential to let this machinery go out as a proper team under a properly trained European.

He also said why did we not pay them better—and not give them rations and equipment. These teams have to travel all over the country, which accounts for part of the difficulties in making the Pool pay. In England when you have similar machinery operating on hire, it only operates over very, very small areas as a rule in one county, and the system there is that they charge by the day regardless of weather, and one farmer has to pay for the movement of that machinery to the next farm. That is the usual system in the United Kingdom. Here we have to cover the whole country and travel very long distances very often, which are quite uneconomic from a strictly commercial point of view, and incidentally we have to take our African employees with the machinery. They arrive on a farm late at night, they do not know where to go and buy food. Therefore we naturally have to ration them and try and get assistance from the farmer on whose farm the Pool is operating who usually provides part of the rations.

The question that Head 23A be approved was put and carried.

#### Head 24—Agricultural Department

On motion made by MAJOR CAVENDISH-BENTINCK and question put: That Head 24, Sub-head (1) Administrative and General Personal Emoluments; Sub-heads (2) (a) and (2) (b) items 26 to 66, Scott Agricultural Laboratories and

Coffee Services; Sub-heads (c) and (d); Pyrethrum Services (General) Personal Emoluments, Sisal Services and Other Charges of Head 24, Agricultural Department, were approved.

MAJOR CAVENDISH-BENTINCK moved: That Sub-heads (e) and (f), items 87 to 108 inclusive, be approved.

MR. HOPKINS: Sir, if nobody wishes to speak about (e), I would like to say a few words about pasture research as related to grass leys.

During the debates that have taken place during the last couple of days, quite a number of speakers have emphasized the importance of periodically putting in grass leys in order to restore fertility and soil structure. It would appear to anybody listening to these debates that this is quite a simple process which anyone could carry out, and I would like to show that in some areas, at any rate, the ley system is not quite so simple as might be supposed. I am speaking mainly of my own area, but similar conditions may, of course, exist in other parts of the Colony. In the higher altitude—I refer to those from about 7,300 upwards—the rainfall is generally reliable and fairly high. It varies in my area over those parts from about 30 in. in a dry year to anything up to 50 in. in a wet year. In these areas there is no difficulty at all about establishing one of the grasses recommended by the Agricultural Department as suitable for a ley, and even if you leave the land to go fallow naturally there will come in good grasses which produce a pasture very superior to the original grass which is ploughed up, the grass of the area. Usually you get, according to the altitude or rainfall, a prominence of Kikuyu grass or star grass. The original pastures in those areas were of course largely *penesetum* and other coarse grasses of a not very high feeding value, so whatever you do they do improve your pasture. It is quite a different story when you come down to the lower altitudes because there is a very large belt which—

THE CHAIRMAN: I regret to have to interrupt the hon. member, but the motion which is before the Committee is that these items comprised under Plant Breeding Services and Pasture Research be approved, and I am at present at a

loss to understand how a general lecture on the subject would help us to reach a decision.

MR. HOPKINS: If you would allow me to go on for a little bit I will try to show you how I am trying to talk about pasture research—

THE CHAIRMAN: You may be talking about pasture research, but you are proposing to criticize the administration of pasture research during the past year for a failure—

MR. HOPKINS: No Sir, I want to make some suggestions for the future as to what is to be carried on locally in a new research station that has been put up.

THE CHAIRMAN: I submit that hardly arises on the motion before the Committee. Some other motion might be moved to bring it in.

MR. HOPKINS: I have been wanting to say a few words about pasture research which is of very great importance to my area, and I can see no other heading under which to say it.

THE CHAIRMAN: We are dealing with details in Committee of Supply and that is not the time for a general question at all. That is all I am trying to point out. If you will in your remarks come to something in the way of criticism of the administration or something of that kind, one can understand it. At present it seems to me entirely irrelevant.

MR. BLUNDELL: Would not the hon. member be in order if he moved the reduction of £100?

THE CHAIRMAN: It would not entitle him to give us a general lecture. If he wishes to criticize the administration of this particular branch by all means let him do so, but I cannot understand the hon. member's general remarks having any relation to criticism of administrative action.

MR. HOPKINS: I must range over a somewhat large field.

THE CHAIRMAN: You say you must, but I am afraid I shall have to say you must not.

MR. HOPKINS: Could you suggest where I can say what I want to—I think it is of some considerable importance.

MR. COOKE: Perhaps under the Development and Reconstruction Authority the hon. gentleman might bring in his point.

MR. HOPKINS: It would only take three minutes more.

THE CHAIRMAN: It is a question of principle, not of time, because if I permit you to give us a general address every member will be entitled to do the same and the time of the Committee will extend and extend. We are dealing with Supply—that is, expenditure. If no other member wishes to speak on this I put the question that the Committee approve items 87 to 108.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK moved: That Sub-heads Horticulture, (h) Seeds and (i) Sugar Services, be approved.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK moved: That Sub-head (3) Field Services, items 127 to 152, be approved.

LADY SHAW: Mr. Chairman, I want a little information on one point. I see that we had 27 senior agricultural officers, last year, and still the same 27 this year, but divided up into 23 senior and 4 provincial, all on the same salaries. I know, I wanted to bring up this whole question of the provincial teams at the time of the debate on General Administration, I want to make quite sure—I don't want to say the whole thing twice or three times—that if I make no protest about passing this now it does not prejudice my opportunity to make the points I wish to make at a later stage.

THE CHAIRMAN: The hon. member must remember the rule about relevancy. You cannot pre-empt a debate in advance. It is within the rules, but I would point out that "when a motion is made to omit or reduce an item and the question is proposed omitting or reducing such item accordingly, each member may speak to that question only until the question is disposed of, but in the debate reference may be made to other items in the Estimates in order to explain or illustrate the question under discussion". That you have before you under paragraph (h) of sub-rule (3), and there will be no objection to your referring back, if that will meet your point.

LADY SHAW: Thank you, Sir.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK moved: That Head 24, Sub-head (4), Grading and Inspection Services, items 153 to 166, be approved.

MR. NATHOO: With reference to item 163, I should like to have some information on this.

MR. HAVELOCK: There is some difficulty on this side of Council as regards the situation now that the maize conditioning plant has been handed over to the Maize Control, and the reason why there should be staff of this sort under the Agricultural vote. I am quite sure there is a very logical explanation but I think if the hon. member would let us have it, it would clear the air.

MAJOR CAVENDISH-BENTINCK: As regards the first item, the leave question, I can go into it and let the hon. member know. I am afraid I cannot answer it straight off. It has been approved not only by the Agricultural Department and my own staff but it has also passed through the very fine comb of the Financial Secretary's Department.

MR. NATHOO: On a point of explanation, I should like to say that I did not intend to say that the Agricultural Department has been negligent in allowing this; I just wanted to know the circumstances.

MAJOR CAVENDISH-BENTINCK: I will make inquiries and let the hon. member know afterwards. I cannot give an answer straight away.

As regards the other point raised, which is items 153 and 154, the point is that there are two officers under item 153 who are stationed at Mombasa, and their duties consist of inspecting all plant and produce imported into the country and to ensure that the law relating to plant importations is complied with. Their duties also comprise those of inspecting and grading exportations of cereals and other produce in compliance with the export regulations. They are the authorities who decide what produce for export requires reconditioning by the Mombasa reconditioning plant. There are two reconditioning plants in the country, one at Mombasa and one at Nairobi.

[Major Cavendish-Bentinck] Also, if and when there is a dispute between the ordinary maize graders belonging to Maize Control and farmers that cannot be settled and arbitration is needed, or a ruling is needed, these officers are also employed for that purpose.

Under item 154 you have superintendents of maize conditioning plant, and there are two posts. One of these officers is responsible for operating the Mombasa reconditioning plant, the other officer used to be the officer responsible for operating the Nairobi plant, but he has been ill and we had to retain provision for his services in the estimates until we knew what was going to happen to him. I only heard two or three days ago that this officer has been definitely boarded out, so there is an opportunity for a victory there because we could reduce that vote by about £500. I did not know that, I may say, until two days ago. The four there will act when the only superintendent who remains under item 154 goes on leave.

MR. HAVELOCK: Mr. Chairman, may I ask if it is intended that the Mombasa or Kilindini conditioning plant shall be taken over by Maize Control, and before I sit down may I ask the hon. member whether he will move the reduction, or give me the privilege of moving it?

MAJOR CAVENDISH-BENTINCK: It is not intended that the Mombasa reconditioning plant should be handed over to Maize Control. I should say the honour is yours—[laughter]—if somebody will move it.

MAJOR KEYSER: Would this be the proper place to ask if there are any estimates for Maize Control in the draft estimates, and if not why not, because I cannot find them?

MAJOR CAVENDISH-BENTINCK: No.

MAJOR KEYSER: Could we be told why they do not appear? They used to once. I asked this question last year and I think I was told they would appear again.

MAJOR CAVENDISH-BENTINCK: They do not appear in the Colony's estimates, but the accounts are laid on the table, and have been laid on the table comparatively recently. Therefore they can be debated at any time.

MAJOR KEYSER: But surely that answer applies to most of the items in these estimates. It is expenditure of Government, which is what we are considering.

MAJOR CAVENDISH-BENTINCK: There is no expenditure. It is a self-accounting department which pays for itself.

MAJOR KEYSER: Is there a profit? Surely that should appear in the revenue?

MR. HAVELOCK: Mr. Chairman, I beg to move a reduction in item 154 of £500.

The question of the amendment was put and carried.

The question that Sub-head (4) as amended be approved was put and carried.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I beg to move: That Sub-head (5), Soil Conservation, items 167 to 183, be approved. You will see that it is the posts we have to have approved because all this expenditure is borne under the Development and Reconstruction Authority head 4, page 16, with details on page 46 of the Development and Reconstruction Estimates.

MR. MACONOCHE-WELWOOD: I should like to ask one question, whether the hon. member is satisfied that sufficient machinery exists to keep these men fully employed?

MAJOR CAVENDISH-BENTINCK: The answer is yes.

MR. GILLET: I think the real trouble is that we have not got the full complement of officers, let alone the machinery. That is what is really holding it up.

MR. MATHU: Mr. Chairman, may I ask whether there is any machinery used for soil conservation work in the African areas?

THE CHAIRMAN: I have not yet put the motion because there are no figures in any of the columns. To approve it we would be approving nothing. We have no vote on this page relating to these matters. Does it appear somewhere else?

MAJOR CAVENDISH-BENTINCK: Yes, Sir, it appears under the Development and Reconstruction Authority estimates on page 46, and the reason why I have put these items to Council is because I



[Major Cavendish-Bentinck] believe that is how it was done last year and because I want to have the approval of Council to the retention of these posts in our recurrent estimates. When the Development and Reconstruction Authority moneys come to an end we cannot do away with soil conservation. That is why we have done this, but the provision for the payment of their salaries and so on and of their pensions, in the case of pensionable ones, goes in the Development and Reconstruction Authority estimates. It was done that way last year.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, out of courtesy to my hon. friend Mr. Mathu, I am afraid I forgot to answer his question. The answer is yes. There is machinery used in the African areas both for soil conservation and for dam-making purposes.

I beg to move that Sub-head (6), Egeron School of Agriculture, items 184 to 202, be approved.

MR. BLUNDELL: Mr. Chairman, I have one question I should like to ask the hon. Member for Finance. Will he extend the same sympathetic consideration to the difficulties incurred in running an agricultural farm with Government methods of accountancy, and consider some development of a trading accounting system for submission to the Council yearly in the running of this school?

MR. PATEL: Mr. Chairman, I should like to know from the hon. Member for Agriculture the number of students who are taking tuition at this school and the race to which they belong?

MR. MATTHEWS: With reference to the request made by the hon. Member for Rift Valley, this matter will certainly be considered. In fact, there is some consideration of it now in my department, and I think the best procedure would be that, if it is decided to adopt such a proposal, the matter should be placed in the first instance before the Standing Finance Committee of this Council.

MAJOR CAVENDISH-BENTINCK: In reply to the hon. Member for Rift Valley, this point has been raised before and is under discussion. In fact, a member of the hon. Financial Secretary's staff has been very helpful in making suggestions. In

reply to the hon. member Mr. Patel, this year we are in process of reorganizing the school on rather different lines to the past. We shall have 48 students plus a series of refresher courses, and next year there will be 75 students. All the students are Europeans.

MR. PATEL: I should like to ask another question. In view of the failure of Kenya Government to start any facility for the training of Indians, in spite of efforts made over the last six or seven years, is there any insuperable difficulty in allowing Indians to join this school?

MAJOR CAVENDISH-BENTINCK: I would say yes, there is a very great difficulty in allowing Indians to join, for a number of reasons. Among them are the terms on which the land was given to the school.

The question was put and carried.

#### Head 24A—Agricultural Department Extraordinary

MAJOR CAVENDISH-BENTINCK moved: That Head 24A, Agricultural Department Extraordinary, be approved.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I beg to move: That item 3 be reduced by £100, in order to draw the attention of hon. members opposite to the difficulties of farming in this country at the present disastrous prices. If they turn up the revenue they will find an item of £2,000.

MR. MATTHEWS: We notice, Mr. Chairman, that the item not only covers running expenses but also the purchase of equipment.

MR. MACONOCHE-WELWOOD: The point was made before, that it is the purchase of equipment which is so crippling to the farmer.

MR. RANKINE: In that case it is somewhat difficult to understand the logic of moving a reduction. (Laughter.)

MR. BLUNDELL: Well, we cannot move an increase. (Laughter.)

MAJOR KEYSER: If the hon. Financial Secretary would compare the revenue for 1949 he would find a loss of £500 in 1949 as well.

MAJOR CAVENDISH-BENTINCK: I do not know what this amendment is intended for, but I must oppose it, because Waterkeyn Farm as hon. members opposite

[Major Cavendish-Bentinck] are fully aware was originally purchased with a definite object in view. As that object could not be brought into operation, we were going to have a second school and also carry out certain work on that farm, after very careful consideration we have given up the idea. In ordinary circumstances this farm would have been sold, but there are reasons of which hon. members opposite are fully aware why we thought it wiser to keep the farm in our hands for the time being. But you cannot from these estimates make any basis of reduction of farming costs. This farm has really not been operating, we have not got the staff we should have. The reason for the increased expenditure is because it has something to do in the way of capital expenditure. No doubt hon. members having made their point about the prices of agricultural products not being all that generous, will no doubt withdraw the motion.

MR. MACONOCHE-WELWOOD: In view of the explanation I withdraw it, but I would point out to the hon. Chief Secretary that that was the only way we could bring the point up.

The motion was by leave withdrawn.

MR. BLUNDELL: Would the hon. Member for Agriculture under item 7 say what livestock has been purchased for agricultural stations?

MR. GILLET: This item is for the purchase of livestock for Ol Joro Orok farm, Kitale farm and, we hope, for native farmers in African land units.

MR. BLUNDELL: In view of the reply I will not move the elimination of the item, but I should like to record that if the veterinary stations set-up coincide with the agricultural stations there would be animal husbandry and agriculture, and this item could be saved.

MR. NATHOO: I would ask for an explanation of item 11?

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, the point made by the hon. Member for Rift Valley was, I think, covered yesterday, and I entirely appreciate it.

As regards the question about item 11, that expenditure is for investigations and experiments carried out with the help of

farmers under the control of the Agricultural Department. I may say that in my opinion the value we get from these experiments is inestimable. It may be said that if carried out with the help of the farmers, why should they not carry them out entirely? That would not be fair, as some experiments entail quite a considerable amount of expenditure and they have to be controlled by highly qualified officers.

The question was put and carried.

#### Head 25—Forest Department

MAJOR CAVENDISH-BENTINCK moved: That Head 25, Forest Department, (1) General, be approved.

MR. MACONOCHE-WELWOOD: Mr. Chairman, for the purpose of debate I should like to move that item 3, Assistant Conservators, be reduced by £1,000.

The reason for doing that is to draw the attention of the Council to the very great rising costs of this department. At one time the forests were a great source of revenue to the Colony, and I am speaking not in any critical spirit of the policy but as a warning of what is liable to happen. I believe this department is very probably the greatest potential revenue earner that we have, but if it is to do that we must keep our eye very closely on the costs of it. They have risen gradually and slowly to the very high figure indeed of £150,000 odd. I am leaving out the local native council vote, because that in fact is more or less self accounting, and money comes back to the department in royalties.

At the present time, when we have a buoyant revenue, I support the vote because we can afford it, but we must be careful not to build up a very big department which we cannot manage to reduce when revenue is less buoyant, and it is essential to make a profit out of it, because this is a productive service for the future, and we cannot always afford to spend this very large sum on it. There is a tendency that a department badly treated in the past by the hon. Financial Secretary, once it gets the bit between its teeth, to go in for luxury posts as well as necessary posts. In the past it was ruthlessly cut to a revenue-earning department and worked under difficulties. Now the danger is of going the other way.

[Mr. Maconochie-Welwood]

If you look at the expenditure in the past, you will find that in 1945 we were spending £74,364 with a revenue of £156,000 and 4,000 odd acres planted; in 1946, the expenditure was £95,941 against a revenue of £133,000, for 5,629 acres; in 1947, £119,519 with a revenue of £122,000 and 607 acres planted. Today we are spending £167,000 to get approximately 8,000 acres. Well, these figures are not bad, and I am only mentioning it as there is a possibility that this department will become self accounting. Should it do so, this Council must watch very closely by opposing that, as the revenue increases, more and more is spent.

One other point I should like to raise. That is, that this is one of the few services of the country where royalties which are paid by the public have never been raised since 1939, and it would seem reasonable that these royalties should be raised in the not distant future. It would make the revenue for this department look a great deal better than it is to-day and show a very definite profit.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I must oppose this motion. We have as you see no greater number of officers provided for this year than last year, and we have made a slight recasting of the system because I am anxious to have the forestry activities of this country divided into two circuits under the Conservator, so that we have now got two senior assistants each of whom is responsible for one circuit and under them assistant conservators.

The hon. member has said, and I agree with him, that we must be careful lest the expenditure incurred on this department exceeds all reasonable bounds. I would, however, point out that the forests of this country have proved a very real asset in the past from the point of view of revenue-earners, and in the future, if we are allowed to continue our programme, they will no doubt be a source of immense capital value as well as revenue producing value.

During the years from 1939 to 1948 the total revenue obtained under the present system of royalties was £1,130,948. The total expenditure incurred by the Forest Department during those same years was £668,000. It means that over those years, paid into general

revenue from royalties there was a surplus of £462,781. We are committed under the development plan to a replanting programme of, we hope, up to 6,000 acres a year. I think by the end of this year we shall probably have planted 9,000 acres of mostly softwoods, and I do hope people will realize that by investing money in the Forest Department we are not incurring expenditure that will not be remunerative, but we are in fact investing money in a capital asset which will increase as the years go past.

The hon. member also suggested, arising out of his motion, that this was the right time to consider an increase in the rates of royalties. I know that proposal has been made, and it has come to me from an advisory committee set up for the purpose and in various other ways. But I maintain that this is the wrong time to increase royalties, and for this reason, that we want timber very badly indeed, and it is very questionable whether those engaged in the production of timber are getting a fair return. A report has just come in as a result of investigations over some months in which the millers have put in claims for increased prices for something like 18 months, and I have no doubt at all that we shall have shortly to provide millers with a higher return for their work. It may be that when there is all this building development work going on we should not be advised to increase the price of timber to the consumer by an increase in royalties. On the other hand, there is also a system which has been proposed for charging royalties in a totally different manner, and the Forest Department, and I have been into it very carefully and believe they are right, that if we are allowed to charge royalties on a sawn output basis we should very much increase the revenue on royalties to the country, without in any way increasing the cost to the consumer.

This is a matter which is of some importance and it was considered by the late Financial Secretary, and since the new Financial Secretary has not been here very long he has not yet had time to go into this matter thoroughly and give a decision on it, but as soon as this Council's deliberations are finished I hope to be able to consult him on this matter. I therefore beg to oppose the amendment.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I beg to withdraw my motion, but at the same time take the opportunity of saying that when that suggestion was put up by myself, and I believe put up by the committee concerned, the suggestion was not that the timber trade should bear the cost, as it should be handed on to the consumer, as the effect to the consumer is infinitesimal and the effect to the miller quite enormous. My suggestion was not that it should be put on the miller.

The motion was by leave withdrawn.

The question that Sub-head (1) be approved was put and carried.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I beg to move: That Sub-head 2, items 7 to 74, be approved. If hon. members will look at page 11 of the revenue estimates, they will see there is a corresponding figure of £16,000 in respect of this expenditure.

MR. MATHU: Might I ask, in connexion with item 71, what this livestock is which is bought for local native council forests?

MAJOR CAVENDISH-BENTINCK: I will let the hon. member know, but I imagine it is probably oxen which work in the forests carting seeds, shingles and so on.

The question was put and carried.

On motion made by MAJOR CAVENDISH-BENTINCK and question put, Sub-head (3), Squatter Village Management, items 73 and 74, were approved.

#### Head 25—Forest Department Extraordinary

MAJOR CAVENDISH-BENTINCK moved: That Head 25A, Forest Department Extraordinary, items 1 and 2, be approved.

The question was put and carried.

#### Head 26—Game Department

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I beg to move: That Head 26, Game Department, Sub-head (1), Administrative and General, items 1 to 19, be approved. In the matter of these particular heads there is one, item 19, which I think will again give an opportunity for a reduction. I discussed this with my hon. friend the Commissioner for Works

and it should not appear here at all. Any maintenance done to this building will be done out of his general vote.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I should like to raise a question on item 5, which is an increase of control officers. I do not propose to move a reduction on this. I merely want to ask for information as to whether in fact these control officers will be used as general game rangers, and not purely as vermin control officers to control vermin on European farms. I feel very strongly that the European farmers control their own vermin, with the exception of such game that it is undesirable to give them a licence to shoot, such as elephant and in some cases buffalo.

Another question is, whether some time in the course of this debate we can clear up the relationship between national parks and the Game Department, because I am not clear as to who looks after and protects the game in the national reserves, whether it is the Game Department or whether it comes under the national parks. I think it is a matter of vital importance, as I consider that game is a productive service. In support of that I might add that game (licence revenue is £18,000, and confiscated trophies and ivory is £15,000; so quite apart from the value to the country from the tourist point of view, the game is definitely paying for itself.

MR. JEREMIAH: Mr. Chairman, I am quite happy to see that the number of control officers is to be increased. I think many people are aware of the problems which faced the Coast Province during the recent drought, when elephants started destroying almost all the crops grown by Africans. I am very happy to see that control is increased, because I hope more adequate steps will be taken by the department to protect crops grown by Africans in the African land units, especially on the coast. Although several elephants were killed, the damage had already been done by them.

During last year's debate I asked whether there would be any compensation at all paid to these poor farmers who lost their crops due to destruction by animals. I am sorry to see in these estimates that there is nothing provided as compensation, although I see under

[Mr. Jeremiah] item 17 "ivory and confiscated trophies", and this comes under expenditure. I wonder whether it should be revenue. Also I see 254 African staff employed by the department. I should like to know whether they are employed as temporary staff, because I see none of them recorded as pensionable or permanent.

MR. HAVELOCK: Mr. Chairman, on the item raised by the hon. Member for Uasin Gishu, I should like to ask the hon. member if it is not possible to make more use of part-time control officers: that is, farmers, etc., many of whom have had long experience of hunting. Would it not be a cheaper method of controlling game by making use of their services?

Council adjourned at 11 a.m. and resumed at 11.30 a.m.

THE CHAIRMAN: The motion is that Head 26 (1) be approved.

MR. CHIEMALLAN: On item 18, Mr. Chairman, I should like to point out that there is a strong feeling among people, particularly in places like Masai and Samburu where wild game is plentiful, about the great damage that wild game do to both people and animals. It is complained that many people and cattle are killed annually by these wild animals and that those people who tried to defend themselves and actually killed these animals in defence of themselves or their cattle were fined for doing so. I request Government to take a serious view of this matter. I am sure there is no intention at all to preserve game at the expense of the lives of the people or their animals.

MR. JEREMIAH: On item 18, Expenses of Game and Vermin Control, in the African land units the people who try to control vermin are the local native council police and they do not do it exceptionally well. I wonder whether Government would assist by providing qualified people to control these vermin.

In speaking on this head I wish to say how happy I am to see that the number of control officers is increased. As hon. members are aware there has been a great destruction of crops recently by elephants on the coast. The Game Department killed several of them but the damage was done, and I am glad to see

an increase in the number of control officers to ensure better control. Also I would like information on item 17, as I do not understand why ivory and confiscated trophies should be shown on the expenditure side and not on the revenue.

Last year, in discussing the same subject about the destruction of crops by game, I requested that consideration should be given to the possibilities of offering compensation to poor African farmers who suffer the loss of their crops through wild game, but I am sorry to see that no provision is made to that effect.

MAJOR CAVENDISH-BENTINECK: Various points have been raised. The hon. Member for Uasin Gishu asked about the game wardens and control officers. I think he wished to have some information with reference to items 4 and 5 as to what they did, and whether the control officers were entirely employed on vermin control, notably whether they were employed to a very large extent on European farms. I am glad the hon. member raised this because I would like to say something on this subject.

I am considering some reorganization of the Game Department, and I think that it is rather unreasonable, and certainly in practice it does not work very well, to have two types of officers earning precisely the same salary. It is undoubtedly the duty of the Game Department to deal with the vermin control and control of dangerous game which has been referred to by members this morning. It is also their duty to deal with poaching and with the proper handling of trophies—ivory and so on—that are found and confiscated or found in other ways. It is also their duty to preserve game in certain areas. I believe it would be very much better to have the usual game warden in No. 2, and under him a number of rangers—call them rangers or control officers or wardens, it does not matter—all of whom are of the same type.

As regards European farms, all we do there is if there is a really serious request from a number of farmers we do endeavour to give them some assistance. This matter, for instance, was raised in one district recently at the annual conference of the Kenya National Farmers' Union, and we immediately sent some-

[Major Cavendish-Bentineck] body up with two trained Africans. The matter was dealt with in the course of a few days. The vermin that was causing the damage on that particular occasion originated from a forest reserve, and I think there was reason to give some assistance in that case. At the coast, as the hon. member representing that area has said, I suppose more damage to property has been done by elephants on the coast this year than for many years past, if ever before.

Another point was raised, whether we could give more assistance in the case of local native councils for vermin control. I think every effort is made to give assistance in districts where we hear from either the local native council or the district commissioner that assistance is needed, and I may say that during last year the control officers have been desperately overworked because, owing to the drought, the damage done by game has been enormous.

I was asked another point, which I know has come up on various occasions during last year, that is, whether under this item, Expenses of Game and Vermin Control, item 18, or under item 17 I presume was meant, some compensation could be given to owners of *shambas* who had had damage done by depredations of probably dangerous game. Well now, this is a very, very difficult question, and I think hon. members will realize that if one admits that those who live in Africa and farm in Africa and therefore have to face the dangers and risks incidental to farming in a country of this kind, are going to be given compensation as a right, I do not quite know where that would lead us to. I may say they tried something similar in the Union and in Southern Rhodesia, and the number of very flourishing farmers who started operating on the edge of the game reserve was quite remarkable, and that plan had to be abandoned quite quickly. All I can say is that the representations that have been made on this subject by local native councils are being considered by Government.

MR. HAVELOCK: Would the hon. member reply to my suggestion as regards part-time game control officers?

MAJOR CAVENDISH-BENTINECK: The hon. member suggested savings could be

effected or more value could be got from expenditure if we employed to a great extent part-time control officers, such as experienced farmers, in this country. We have done a good deal of that, and I would say without any hesitation whatever that on the whole that policy has been a failure. There have been several very unfortunate incidents during the last few years by endeavouring to employ people of that kind. I do not say there are not a number of most dependable and experienced farmers who might, in theory mostly, be induced to go down and do this work under very uncomfortable conditions, for instance at the coast, but when it comes to engaging those people the more reliable ones and better ones are really fully engaged in their own occupations, and what one is inclined to get are people not quite in that category who ruin Government transport and so on, and whose actions in the field are sometimes somewhat questionable. I have no hesitation in saying that it is far better—and we have had some experience of this—to have our own staff that we employ regularly.

LADY SHAW: Has anyone moved the deletion of item 19?

MR. RANKINE: I was just conferring about that with my hon. friend at the moment. I suggest that if the Committee sees no objection that item should be allowed to remain at the moment, because we have not made any adjustment in the Public Works Department vote accordingly, but we will undertake to adjust it, and in future provision for the maintenance will be included in the Public Works Department vote.

The question was put and carried.

MAJOR CAVENDISH-BENTINECK: Mr. Chairman, I beg to move: That Sub-head (2), items 20 to 50, inclusive, be approved.

DR. RANK: Mr. Chairman, there is some information I would like to get from the hon. Member. Under Sea Fisheries, two assistant fish wardens are to be appointed for next year. I would like to know what is going to be their specific function, because by experience during the war was that when my hon. friend Mr. Cooke was appointed Controller at Shimoni all the fishes disappeared. (Laughter.) I would like to

[Dr. Rana] know if these two appointments are going to do the same thing, and I would like to move that this item be deleted in the interests of the Island of Mombasa and the people. Thirdly, sir, once during the war, and after even, the price of fish was controlled, and my fear is that if these gentlemen interfere with the fish which is coming from the African fishermen and other people no advantage will be given to the sea fisheries. I would like to know what is the idea and how they are going to function.

THE CHAIRMAN: Do I understand you to move that item 30 be deleted?

DR. RANA: If it is for the research point of view, that is all right.

MR. WELWOOD: There is only one point I want to raise here. In the past, £400 was granted to angling associations. I notice it no longer figures. I would like to ask why that has happened, as it seems to me another of those things which attracts tourists and is of general advantage to the community of the Colony.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, the hon. member Dr. Rana asked about item 30, two assistant fish wardens. On the whole question of investigation and development of sea fishing on the coast, plus the possibility of breeding fish on the coast and in mangrove swamps and so on, there have been quite a number of discussions and proposals for research action and so forth, and Kenya recently appointed a special officer in Mr. Hawtrey, and purchased a research vessel, a small fishing vessel, for carrying out these investigations in coastal quarters. At the same time there have been interterritorial discussions, and the plans for dealing with these investigations from an interterritorial point of view have been subject to a number of changes. The latest idea is that we should have a central research institution at Zanzibar and that each territory should undertake to expend about £7,000 a year on sea fishing investigations and generally improving and developing the fishing industry on the coast. You will note that we have not done so.

We have already got a boat, which we have been asked to get, and we have only provided £2,070, but the area Mr. Hawtrey has to cover is far more than

any one man can cover, and I am most anxious to include in 1950 provision for the engagement of an assistant to Mr. Hawtrey, who, I may say, is a most efficient officer. That is why we have provided for two assistant fish wardens, but at the moment we only have one on the payroll of the Colony. I do not think the hon. member Dr. Rana need fear that the fish will disappear at the sight of these two assistant fish wardens, because we have already obtained some very valuable information by means of the research vessel, and the real trouble at the coast is that with the increased price obtainable for fish I think the hours that are spent in fishing by some of the fishermen have been considerably reduced.

The other question I was asked was, why the figure of £400 that had been asked for by the Angling Advisory Committee was not included in the estimates. Actually it did not appear in the estimates last year either, and I think some of the expenses which it was suggested should be met by employing associations and so on for doing a certain amount of work on rivers, will come under item 29, because there is no other provision for it.

DR. RANA: I am grateful to the hon. member for his explanation. I am possibly not very happy about the future experiments. I believe this research is very vast and if the Colony could contribute to the Central Research Association it would have been better. As the hon. member says that the fish will not disappear, I will not say anything more at the moment, but if all goes well I do not think this small vessel and staff will be able to do very much. Fish is a very essential part of human food and if research is going to be done it should be done on a proper scale. These people usually apply to people already in the trade and nobody actually benefits very much, but I am quite satisfied at the moment, sir, and do not wish to press it.

MAJOR CAVENDISH-BENTINCK: We do contribute to the Central Research Association, indeed we have had Mr. Hickling here twice this year dealing with this on an interterritorial basis, but in addition to each Colony contributing to it interterritorially they suggest each state should provide £7,000 and buy a boat.

The question was put and carried.

### 26a—Game Department Extraordinary

MAJOR CAVENDISH-BENTINCK moved: That Head 26A, items 1 to 5, be approved. The question was put and carried.

### Head 27—Veterinary Services

MAJOR CAVENDISH-BENTINCK: I would draw members' attention to the fact that there is considerable reference to Head 27, Veterinary Services, on pages 14 and 15 of the Memorandum on the Draft Estimates. I beg to move that Head 27, items 1 to 14, be approved:

MR. COOKE: On a question of policy, could the hon. member tell me briefly the answer to the question I asked a couple of days ago concerning dairying at the coast and concerning the appointment of a European veterinary officer to take the place of Dr. Hassan when he retires?

MAJOR CAVENDISH-BENTINCK: I am sorry if I omitted to reply to the hon. member, but I had such a lot of questions that one or two may have escaped my notice. As regards the general policy of dairying on the coast, we do want to get the dairies removed from the Island and we do want to give every possible encouragement in the coastal areas to dairying. A certain amount of work is going on at Marjakeni, Mombasa and Kilifi.

As regards the eventual successor to Dr. Hassan, I have already discussed this during the past two months with the Director of Veterinary Services and can give an assurance that a qualified European officer will be posted.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK: I beg to move that Sub-head (2), Research Services, items 15 to 43, be approved. I draw hon. members' attention in respect of items 17 and 18 to the fact that a good deal of expenditure appears on page 56 of their Development and Reconstruction Authority estimates. The very considerable increase in this sub-head is referred to in a memorandum on the estimates, and I did explain it at some length in my opening remarks on the introduction of these estimates. It is largely due to our taking back again the responsibility for the manufacture of serum and vaccines at Kabete. We will go into details if the hon. member wishes.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK: I beg to move: That Sub-head (3), Field Services (Non-native Areas), items 44 to 71, inclusive, be approved. Hon. members will see that there is a very considerable increase in the number of senior livestock officers. These posts have been approved and they are mostly required in connexion with the Cattle Cleansing Ordinance.

MR. HAVELOCK: Would the hon. member give some information about item 48. What is the work of a dairy inspector? Is he to advise people on setting up dairies or is it a matter of health?

MR. WELWOOD: Item 49, kennel overseer: Am I right in supposing this gentleman is keeping dogs entering the country in quarantine against rabies, because it seems rather a waste of time in a country that is rabid already. It is quite uncontrollable already and it seems unnecessary to have any form of quarantine at all.

MR. NATHOO: Regarding Item 48 which the hon. Member for Kiambu spoke of, may I ask the hon. Member for Agriculture whether ghee is a sticky subject?

DR. RANA: Mr. Chairman, under Items 50 and 51, veterinary officers, Asian, special grade, that was supposed to be for Dr. Hassan. I should like to bring to the notice of hon. members that this gentleman has done very valuable service for the last 42 years and he retires shortly, and the increased salary given him does not at all satisfy him: Previously, by two Governors he was given special promotion which his record entitled him to for his extra work, once £100 and then £50. He has not benefited by the last revision of salaries, and I do request that this matter be gone into.

Secondly, with regard to the assistant veterinary officers, two: They both have done 20 odd years' service, and they are fully qualified people, and I would fully request that at least as far as their salaries are concerned that they should be on an equality with the sub-assistant surgeons in the Medical Department. These people have to devote as much time and years as the others, and in the Medical Department there are senior assistant surgeons, and the same rank should be applied to these officers. Otherwise they will not be able to get any

[Dr. Rana] promotion in the future. I know that the services they have given at the coast, and I am sure the hon. member will agree with me, have been very valuable, and I would request him to sympathetically consider their cases as far as future grades are concerned.

MR. MAITHU: A question on Item 67, whether the number of diplomas is known and, if known to the hon. member, how many?

MR. MATTHEWS: Mr. Chairman, with regard to the point raised by the hon. member Dr. Rana, I am afraid that it is difficult to deal with any question of salaries revision *ad hoc* in this way. All these matters were dealt with during the inquiries by the Salaries Commission, and I cannot possibly give an assurance from my side that this position will be rectified in the manner he requests. All questions of inequality have to be dealt with on their merits, and if there is in this particular case such a characteristic on investigation and it turns out that somebody is being done wrong, it will be rectified.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, several points have been raised.

In the first instance, I was asked what the post of dairy inspector was and what he was likely to do. If hon. members will look at the memorandum on the estimates they will see that this post was asked for and was agreed to by the Standing Finance Committee before it was included in the estimates. It is a post we badly need indeed. I should be astonished if hon. members could assure me that they thought that all the milk dairies conducted on farms were conducted on a standard of which this country could be proud. I should also be astonished if hon. members opposite did not think there is considerable room for some sort of liaison as between the activities of the Kenya Co-operative Creameries, for improving the standards where cream is sent to the creameries, with an officer of this kind. After all, this Government has some responsibility for improving a very big industry in this Colony in which indeed during the last few days I have been told that we were not doing enough to foster. I would

strongly support the post of dairy inspector being kept in the estimates.

As regards the kennel overseer, I do not know whether hon. members have been to Kabete, but we now have new settlement and new people bringing in an enormous number of dogs which are in quarantine there, and somebody has to see that they are properly looked after and kept. It may be that the hon. member was going to suggest that in view of the fact that we have a good deal of rabies in this Colony, recently at Lumbwa, we need not worry about quarantine, but I think that would be rather a policy of despair, because on the whole considering the dangers we run hon. members will admit that the efforts of the Veterinary Department in controlling rabies in certain areas have been remarkably successful. In fact, I am often astounded that we have not a great deal more rabies.

The hon. member Mr. Nathoo asked me about ghee, and perhaps I can say something about it. We are trying to have a complete reorganization of the ghee industry in the Nyanza Province especially, but let me warn the hon. member that this reorganization may not be entirely popular among certain of the smaller Indian traders, because the suggestion is that we form a co-operative society of producers themselves who shall go a long way towards marketing their own products. At the moment, the amount of adulteration that goes on in ghee in the time it leaves the producer till the time it begins to get anywhere near the market is quite fantastic, and we want to avoid that and improve the quality and price to the producer.

I was asked about Items 50 and 51, and there was also some reference to an item that has not come before Council yet, regarding Asian assistant veterinary officers. We have three. One is acting under Dr. Hassan as port officer in Mombasa dealing with all importations into this country, and one is stationed at Lamu, and one at Mariakani. They are quite satisfactory officers. Of course, their qualifications are somewhat different to the qualification of a full M.R.C.V.S., and the question of pay, as pointed out by the hon. Financial Secretary, cannot be dealt with here. As regards Dr. Hassan, the hon. member

[Major Cavendish-Bentinck] Dr. Rana knows that I have on two occasions tried to do something for him in regard to his long and valuable services, and I am sure when the sad day comes for his real retirement, although I can give no guarantee of any kind, Government will not be unmindful that he has given over forty years of his life to the service of Kenya.

MR. HAVELOCK: I am afraid that I did not put my question very clearly because the hon. member has not answered what I wanted. The term "dairy inspector" gives me the impression that the man may well go around and condemn dairies not in proper order. If that is his job, that is a matter to be handled by the health authorities. On the other hand, if he is the man to give advice to farmers as to how to plan their dairies, I would agree to the post remaining in the estimates under the Agricultural Department. I should like an assurance that the latter is the case.

MR. MACONOCHE-WELWOOD: Mr. Chairman, arising out of the reply of the hon. member on Item 48, I should like to know whether it is the intention to expand this. I am rather alarmed, because I have noticed in the past the terrible loneliness of officials when there has been only one which then causes a department to arise, and the country is not ready for dairy inspection. The other point arises out of the reply concerning Item 49, whether we should consider seriously abolishing quarantine on dogs brought from countries which have very much less rabies than this country, and I would ask whether it is not an indigenous disease of Africa.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, as regards dairy inspectors, they are not, in my opinion, people going round as ordinary officers of health. They are, as I have already explained, officers who are going round to try and advise people and generally trying to improve our dairy industry, because some of the milking that goes on on farms where there are alleged to be dairies, could be done very much better. We want to try and improve that.

As regards the quarantine of dogs and whether it was really necessary to have quarantine in view of the fact that some

of the dogs come from countries where rabies is far less endemic, or whatever you call it, than it is here, I must say there is a good deal in what he says, and I will have discussions with the Director of Veterinary Services on that. I have no doubt he has an answer, but there is certainly something in what the hon. member says, though in neighbouring territories there are very great dangers.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK moved: That Sub-head (4), Field Services (Native Areas), Items 72 to 103, be approved.

MR. BLUNDELL: Item 101: I have already pointed out that it is important that members should have confidence in these estimates. If you look at the Draft Estimates for 1949 you will see that opposite Item 101, which was then 100, there appears nothing for 1949 and a figure of £4,025 appears against medicines and instruments. Would the hon. member tell me which indeed is correct?

MR. JEREMIAH: Mr. Chairman, I should like some information on Item 81, Assistant Veterinary Officer (African). Is there any project at all in the Veterinary Department to increase the number of African veterinary assistants?

MR. PADLEY: I am afraid I do not fully understand the point raised by the hon. Member for Rift Valley in the 1949 Estimates. The provision under Item 100, "maintenance of centres", is £4,025, which is the amount shown in the 1949 column of the 1950 Draft Estimates.

MR. BLUNDELL: If the hon. member has a copy of the 1949 Estimates? (MR. PADLEY: I have, sir.) Well, in my copy the figure "£4,025" appears opposite "medicines and instruments", but this year, the year we are considering, it has moved up to "maintenance of centres".

MR. PADLEY: Is the hon. member—

THE CHAIRMAN: We do not have two members speaking at the same time, neither in Council nor in Committee, and you are getting in this Committee at the moment into the way of forgetting to address the chair, but simply having conversations among yourselves. (Laughter.) Now, one member, please.

MR. BLUNDELL: I am sorry if I am being stupid, but in my copy of the estimates for 1950, a blue one, it shows that Item 101 had a provision last year of £4,025, and when I check up in the estimates for last year there is nothing against "maintenance of centres" and the item of £4,025 appears against "medicines and instruments".

MR. PADLY: Mr. Chairman, I have not got a copy of the draft estimates of expenditure for 1949 here, but I think the answer probably is that in the draft estimates, owing to a printer's error, the provision was out of line with the designation of the item. In the draft estimates the provision of £4,025 for 1949 appears against "maintenance of centres".

MR. BLUNDELL: I should like to thank the hon. member. I did ask because I wanted to know whether this item was new provision, and from the information I had it was. It obviously is not, Sir.

MR. MATHU: Mr. Chairman, I should like to know something about item 76. We have here "livestock improvement officer, £1,065". What I should like to know is, in what directions are the activities of this officer directed in the way of improving, because it is not quite clear, I have not seen very much of this in the production of bulls or anything of that sort. What does he do?

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, under item 81 I was asked whether it was our intention to have any more assistant veterinary officers (African). The answer, of course, is in the affirmative. When we can get them trained we certainly do want more Africans.

The hon. member Mr. Mathu wants to know what the officer under item 76 does. The officer in question is Mr. Guyatt. He has probably had more experience of dealing with indigenous breeds than anyone else, and he is a person who ran Baraton for 17 years, and is probably the most valuable officer we have in that particular line of country. We have therefore taken him away from Baraton and put him in charge of all the livestock improvement work, in order that he may go to the various centres and co-ordinate the work of the department in that direction. I

think the hon. member will agree with me that some officer of that kind and of that experience is very valuable indeed.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, I beg to move that Sub-head (5), Hides and Skins Improvement Services, items 104 to 112, be approved. This particular expenditure is covered by the money we get from the cess, or export tax, or whatever you call it, on hides and skins. We are spending a great deal less on these services incidentally than Tanganyika.

MR. NATHOO: Item 104: arising out of the remarks of the hon. Member for Agriculture that all these items are covered by corresponding revenue, I am sure that hon. members must be aware that a similar organization is being carried on in the High Commission, and at a recent meeting some fantastic schemes were advocated in this direction. I want an assurance from the hon. Member for Agriculture that we must remember that, while the prices of hides and skins are at such a high level, he will be able to get the revenue, but that is no reason why we should embark on heavy expenditure, irrespective of the fact that some of the work will be done by the High Commission Services, and that whatever is being done it does not overlap the work of the High Commission Services.

MR. USHER: Mr. Chairman, those who deal in a commercial way with hides and skins are very anxious to know when the legislation in regard to the Meat Marketing Board is likely to be introduced. I do not know if I am in order in asking that question now.

THE CHAIRMAN: It offends against the rule on anticipation. You cannot deal in this debate with legislation. There is question time, you know, every day.

MAJOR CAVENDISH-BENTINCK: I think the hon. member's question was a somewhat general one.

THE CHAIRMAN: There is no motion.

MAJOR CAVENDISH-BENTINCK: Well, I should like to explain that we have in this Colony, as I think most hon. members are aware, a potential industry of

[Major Cavendish-Bentinck] the greatest possible value to the Colony. I am sure my hon. friend the Member for Commerce and Industry will bear me out. When one tries to rationalize—an awful word—but at any rate to improve some of these industries in new countries, we sometimes tread on a good many corns. I am afraid that is undoubtedly going to be the case in the hides and skins industry, because it is not the producer who gets the benefit of what has been going on, nor does it go down to the Colony's credit in the exported article. There was not only in Kenya, but in Tanganyika and Uganda a whole lot of trading and small marketing going on, which did an awful lot of harm to this potential industry. To that extent, by inter-territorial arrangement, we hope to improve the whole basis on which the industry can be founded.

It may be that some of the schemes put forward by Dr. French were a little bit ambitious and they may not have received the approval yet of the three territories concerned, but that does not mean they were entirely fantastic. I sincerely trust that, bearing that in view and bearing in view the fact that we cannot do anything to injure anybody without an Ordinance, hon. members will realize that this expenditure, which after all only amounts to £4,995, plus £7,530 lower down, all of which is reimbursed, as you will see from the revenue estimates, is not unreasonable in trying to do something to improve a very valuable potential industry.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK: I beg to move: That Head 27A, Veterinary Services Extraordinary, items 1 to 9, be approved.

MR. MATHU: I would like to raise a question with regard to Item 4, Rabies Control Units. I would like to ask the hon. member how this work is supposed to be carried on, because there have been instances in the Kitui district where, in the name of control of rabies, dogs were shot wherever they were found, particularly in markets, and in one case the life of a Kitui Kamba was in great danger. Surely the shooting of dogs indiscriminately is not control of rabies. The people there were very disturbed about this. I want to know whether there

is a system by which when dogs are infected they are collected and put somewhere instead of being shot in the market places and wherever they are met with.

MAJOR CAVENDISH-BENTINCK: These Control Units have been in existence for some time, and if there is any instance which can properly be criticized and it happened in the Kitui area, if the hon. member will let me know the details I will inquire into it.

On the question of the destruction of dogs, and incidentally often of jackal and vermin, let me say we are always being asked to operate in various areas when there is an outbreak of rabies. It was only during this session that one of the hon. members opposite came up to me with a telegram in his hand in the hopes I could send off one of these units up to his part of the world at 24 hours' notice. It went at 36 hours' notice, because there was a serious outbreak of rabies in that area. If you are going to deal with outbreaks you must destroy these dogs with no owners, half-starved, a miserable sight and a very potential source of rabies.

MR. MATHU: Might I mention, sir, that the dogs I am referring to were owned and it was the owners of the dogs that complained. I will definitely give the particulars to the hon. member in regard to the cases that I have referred to.

MR. COOKE: The hon. gentleman has drawn attention of the Committee to the danger to Ukumbas. Is there any danger to Englishmen? "The mad dogs of Englishmen who go out in the mid-day sun"?

MR. OHANGA: I would like information with regard to Item 9, Construction of Sotik Fence. Does this land belong to anyone; or is it a wilderness being fenced?

MAJOR CAVENDISH-BENTINCK: The hon. member is probably aware there were a number of exchanges and arrangements being made in that area for the benefit of the African peoples there, and two farms were acquired by Government, were purchased, and are going to be opened to controlled grazing. Part of this arrangement was that having given more land to that southern area of the Kipsigis land unit, we would build a

(Major Cavendish-Bentinck) fence so as to prevent the encroachment of people, trespassers generally, in areas given over to the native land unit. The cost of constructing that fence is provided for under Veterinary Services Extraordinary, this is, £5,500.

MR. HAVELOCK: May I mention the matter of rabies again? The late Member for Kiambu was very interested in this particular subject, together with the E.A.S.P.C.A., and there was a select committee set up to discuss the control of rabies, among other things. Suggestions were made by the select committee for a system of licensing and nothing has ever been done about it. I would ask the hon. Member if he could investigate this subject and see if something more could be done. I also attended a committee meeting with the hon. ex-Member for Ukamba who is also very interested in this subject. Nothing has been done. The Veterinary Department are very interested and are worried about the situation, and I do feel it is time we should study this subject with some expedition.

MAJOR CAVENDISH-BENTINCK: I do not quite know under what item this comes. I suppose Rabies. But it is true, Sir, the Committee did sit and did report on various questions in which the E.A.S.P.C.A., among others, take an interest. That Committee produced quite a long report which has been mentioned in this Council on several occasions, but if I may say, Sir, some of their recommendations, though very desirable in theory, were, I am afraid, quite out of the realms of possibility in practice in a country at this stage of development. Fairly recently the hon. Member for Health and Local Government, and, if I remember rightly, the late Chief Native Commissioner, went through those recommendations, and we put up those which we thought were of possible implementation forthwith. What has happened after that I am not quite sure, but I will let the hon. member know.

The question was put and carried.

#### Heads 28 and 28A—Administration

MR. DAVIES: Mr. Chairman, in introducing Heads 28 and 28A of the estimates I do not propose to comment in any detail now upon items which arise within

those Heads, because I have a sort of idea that I might have to comment upon them in some detail later. I will confine my observations to a few general remarks, and first of all I would like to say that as I came so recently, so lately, to this post—I arrived really only in time for the delivery of the child!—I have had nothing to do with the prenatal care of the estimates, and I think may even go so far as to congratulate my hon. friends, the members opposite, for having so unbiased and so inexperienced a practitioner to present the babe to them!

In terms of money, Mr. Chairman, the memorandum shows that there is an increase in these Heads, in Head 28, of £78,591. That includes expenditure on Jeanes School of £36,655, which was formerly included in the Education vote. That looks pretty heavy when it is £78,591. It comes down to about £42,000 when you make allowances for Jeanes School, and Jeanes School itself is down by just over £6,400.

Now the main items of the increases in Head 28 are, first of all, postal charges, £7,530; office superintendents, £3,450; travelling expenses £7,040; district officers, which looks very heavy in the Establishment column and not so heavy when you do a little arithmetic, £1,544; district welfare officers, £1,836; provision for special grade clerks, £1,700; leave pay, £3,590; tribal police, £3,400. That adds up to £30,000 odd and those are the main items of increase.

The estimates—and this is all I would say at this stage—are designed to try to get better efficiency and more administration in the field. To that end we have asked for an increase in the establishment of district officers under Item 7. When dealing with Item 7 I would point out that the item for temporary administrative staff comes out this year. We have asked also for two more district welfare officers, as they are unfortunately called. That again is for closer administration in the field.

Again under Head 28A you will find expenditure on items of £31,880. Nearly all of that is in terms of lorries which make for greater mobility and serve for closer administration which we all want. I propose, Mr. Chairman, in due course

(Mr. Davies) to move the items, Administration—General Staff, separately, and Provincial Administration province by province, then social welfare organizations and then the Administration Extraordinary. I beg to move that Head 28, Items 1 to 30, be approved.

LADY SHAW: Mr. Chairman, I want to speak on the general policy of this department.

THE CHAIRMAN: Are you taking the half hour.

LADY SHAW: I would like to claim it.

I do not want to cover a very wide field, I want to deal with two particular aspects of provincial administration. One, as hon. members no doubt realize, is provincial teams, and the other is welfare, not provincial but general administration. Now recently we have all seen the build up of provincial teams. They were to a very great extent copied, I think, from district teams. They include technical officers, very often with very high qualifications, just as the district teams include technical officers, agricultural officers, medical and police officers and so on. I am not in the least quarrelling with the idea of a district team, but I am perfectly certain the district team does indeed call for much closer administration and very much better co-ordination all under the direct control of the district commissioner. That I think is decentralization at its very best and at its very most effective. These officers, of course, are under the control of their own departmental heads, but they are under the direct control within the district of the district commissioner.

Now this provincial build up of technical officers of very high technical qualifications does in fact represent a sort of taking with one hand and giving with the other so far as decentralization is concerned. It interpolates another complete organization between the district teams and central administration and of course the directors of their various departments. I am perfectly certain I shall be told it is a form of decentralization, but to my mind it is nothing of the sort—it is a form of centralization in a small and, I should have thought, rather obstacle like form.

Provincial commissioners must co-ordinate the policy within their provinces, principally of the district commissioners, but the district commissioner, if he is worth his salt, should be able to represent the views given to him by his technical officers, and Provincial Administration, with the assistance of the departments, should be able to do that without this extra build-up.

I personally believe that the technical officers in this Colony should be used to do their own jobs and not to act as a sort of general post office at provincial headquarters. I know very well that these officers in very many cases do in fact serve the districts that they happen to live in, but that in my view should be their real job, their proper job, and they should not act as a sort of provincial go-between. If these men were posted to the departments and not to the provinces, I believe they would be more effective and do a more valuable job of work, and incidentally do the work for which they were intended. This question of centralization, or decentralization, is I know a very thorny point and I know the Provincial Administration will be referred to as a form of decentralization for which we have asked. Well, if it had had the effect of reducing the central administration in Nairobi, we should probably have approved of the Provincial Administration in that form, but when we still maintain—and I may say rather more than maintain—the central establishment in Nairobi, and then have the Provincial Administration, as I say, interpolated between the districts and the Central Administration, I cannot feel that it serves any very useful purpose.

The particular officers I am most interested in are the provincial medical and provincial veterinary officers, men of high technical qualifications who I think should be doing a real job and not doing an administrative job half way, up the ladder.

The other point I wanted to make was on welfare. I have two particular angles on that.

One, of course, is the welfare officer of the district. I realize perfectly well, and if I had not realized it before I should have learned it during my time on a

[Lady Shaw] committee on which I have been serving lately, that the district welfare officer does regard himself entirely as a member of the district team, the district administration. He regards the district commissioner as his superior officer from whom he takes his orders. I know that quite well. I do not argue in the least that that is wrong. I am perfectly certain it is right, and I believe it is the only possible way in which such an officer could possibly give any reasonable service in a district. But I am still unconvinced that welfare officers as such as the best people for that job—and may I say that a very large number of district commissioners are equally unconvinced, which I think is quite an important point. Therefore I regard this statement of mine as in no way irresponsible because a very large number of people working in the field at this very moment would heartily agree, and have heartily let me say agreed, with me on the subject. If you offered some district commissioner a welfare officer he would say, "Thank you, I prefer not", but at the same time he would probably prefer what they call "another body", somebody to undertake some of the tasks for which the district commissioner himself, or the district officer, probably has not sufficient time—the organization of games and various welfare jobs, which are undoubtedly necessary nowadays in the *homas*, but they are not necessarily the jobs for a specialist.

I am told that one of the advantages of the welfare officer is his permanency. He can be posted to a district for many years, and he is not subject to the same changes and alterations of post and so on that the ordinary district commissioner in the course of his promotion is bound to receive. That also may be very true, but I think it must have certain disadvantages from the district commissioner's point of view, who may keep a district welfare officer for so long that he is the oldest inhabitant and can continue to tell everybody how everything was done in the year dot. But may be the permanency might have an advantage which militated against the objections. I realize that someone has to organize games, cinema shows and all the various things which now exist in this welfare state which is gradually

building up, but at the same time, and I am unconvinced, entirely unconvinced, that the district welfare organization is the proper organization to undertake it. I should like the hon. member in charge of this vote to consider whether it would not be wise still to regard this welfare service as an experimental one and not to increase it until it has proved itself, and proved itself over a certain number of years. Welfare is a thing that to a certain extent has been wished upon us. Some of us like to think we can comment on and approve of it, but it is undoubtedly a thing which has been wished upon us—which is the best expression I can think of for it. I am sure welfare work has got to be done, but not necessarily with an organization in this form.

Now the matter of the central welfare organization. I remember a year ago the hon. Member for Aberdare pointing out the probable growth of this department, the Welfare Department—I think it is called a section. He prophesied that it would build up into a department. It has a welfare commissioner at its head and there are various welfare officers. I know this gentleman has performed a large number of tasks, work and things of that kind, and there are welfare people under him and so on, but this is not necessarily the job of a new, or not perhaps new, but of a large and separate department. These people—social welfare officers, social welfare officers (female), supervisors, clerks, and so on—I personally believe that a lot of these people could do their work perfectly well and very much more adequately under the wing of the hon. Member for Health and Local Government.

I believe that this welfare organization, if it is to remain, should be an integral part of the district administration, and I believe that the Commissioner for Social Welfare should become—it almost needs to be written down—Senior District Commissioner (Welfare), attached to the office of the Chief Native Commissioner. I personally believe that everything you are achieving now could be achieved without attempting to build up a welfare department. I would very much like to ask, with all due respect, that the hon. Chief Native Commissioner will give consideration to

[Lady Shaw] Friday, 16th December, 1950 the points I have made. This question of the provincial teams and the question of the welfare organization, reorganized in some such way as I suggest. I am not for one moment, let me say, criticizing the work of the welfare officers in the districts. I well know that we have got in many cases very fine men doing it. When we talked about welfare a year ago I was absolutely inundated with letters protesting against our strictures on welfare officers. I hope you realize that that is absolutely not intended, nor is it any criticism of the Commissioner for Social Welfare. I am criticising this thing as an organization and, as I am perfectly certain, a future organization of considerable size. That is why I have said what I have said.

I beg to support.

MR. USHER: Mr. Chairman, I also wish to speak on policy if I may be allowed, but I see the time is now late.

THE CHAIRMAN: Perhaps we should leave your speech till to-morrow. Will an hon. member report progress?

MR. RANKINE: If that is the wish of the Committee, naturally I will do it. The only thing is that time is getting very short. I feel sure we all wish to finish, if we can, by Christmas time, and I suggest that even if there is only ten minutes, perhaps the hon. member might start. But I am entirely in the hands of the Committee.

MR. COOKE: I do not think five minutes would make all that difference to our sittings.

MR. RANKINE: In that case I beg to move that the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. on Friday, 16th December, 1949.

Friday, 16th December, 1950 Council reassembled in the Memorial Hall, Nairobi, on Friday, 16th December, 1950.

Mr. Speaker took the Chair at 9.35 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 15th December, 1950, were confirmed.

#### COMMITTEE OF SUPPLY

ON CONSIDERATION OF DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

It had been proposed that Head 28, items 1 to 30, Administration General Staff, be approved:

The debate was continued.

MR. USHER: Mr. Chairman, later on, when we come to the policy side of this head, we shall be moving on some of the items a reduction or reductions, but I shall not deal with them now, nor even mention them. We have been debating the budget now for a good many days and have succeeded in achieving reductions amounting to just over £1,000. I think, in a budget of over £9-million. After the flaming victories of yesterday and the day before we hope it will be possible to achieve further triumphs this morning, and for good reasons. Economics must be secured somewhere if we are to observe the principle which I know the hon. Financial Secretary agrees with—at least I believe he agrees with it—that in times of reasonable prosperity when revenue is buoyant it is a good thing to secure as far as possible a measurable surplus of revenue over expenditure.

THE CHAIRMAN: May I venture to intervene a word or two, that the motion before the Committee is to approve Head 28, items 1 to 30, and that a general discussion on finance policy is rather out of place considering that members had the opportunity to discuss that matter in general on the motion to go into Committee of Supply. I am only pointing this out so that the debate now will not become too general, but that they will



[The Chairman]

confine themselves to the policy of the group of votes which the first vote is allowed to represent by custom.

MR. USHER: Mr. Chairman, I understand that May I perhaps be allowed to say that I have felt, however, that Government has been very reluctant to accept suggestions for reductions and perhaps regards small reductions as unimportant? It is small ones that we will be moving possibly under this head. It is small reductions which will help us to acquire those reserves which members on both sides of Council have desired in order to further certain matters which they have been unable to further owing to lack of funds.

I have examined with some care and with some interest the estimates of expenditure of the Administration for the last 20 years, and perhaps it will be interesting to hon. members if I mention one particular point. That is, that during the year 1929 there were 116 officers in the Administration, and in the year 1939 there were 116 officers in the Administration—there was no increase over those years. For the first part of the period, as is well known, the whole of the Empire was in financial straits, but the point I wish to make is that those ten years were years in which the foundations of modern administration—provincial administration, were laid. They were the years of maximum progress. At the same time they were years in which the greatest economy was observed.

It is, I am sure, the case that where you get the optimum in staff you do not get the maximum fertility. When you acquire additional staff, the paradox is that you create work which that staff is unable to cope with. Now it has been denied, I think, that contact between district commissioners and the Africans in their districts has been lost. Well, all I can say as to that is that my information comes from district commissioners themselves. I myself left the service not long since, and I am not speaking entirely from information that I have gathered since taking to public life. We have felt for many years that contact has been lost. May I give perhaps an example of how it worked. I think perhaps the best means of contact with the Africans in one's district was by means

of native tribunals. When a district commissioner was able to get round and visit those tribunals, when he heard his own appeals, he formed a bond between himself and those whose interests he was endeavouring to promote, and I felt so much that if staff increases and paper work increases that contact may be lost. I know very well, for instance, that a provincial commissioner of a certain province no longer hears appeals from native tribunals at all, and has not done so for many years. That contact is lost. He merely says he has not time—for what? No time to do administration because his time is taken up with paper work, and when we come to the items dealing with typewriters and paper we shall see the extent of that increase.

The movement of district officers amongst the Africans is the basis, I venture to suggest, of sound administration. Everybody who has done it or anybody who has had contact with Africans in the course of their work knows that probably nowhere in the world will he get a more ready or generous response to personal contact. If that is lost all is lost and we may as well pack up.

May I end on a light note? Hon. members may have read their Christmas number of *Punch*: In it is the following verse:—

"I have heard it said that Sir Barnabas Beer

Spent most of his long and distinguished career

Moving huge masses of paper about

From a tray marked 'In' to a tray marked 'Out'."

He has honour in this world, sir, and we should not grudge it to him for I feel that in another and better world he may have to take a lower place!

MR. ERSKINE: Sir, the proposal that I have to lay before this Council this morning is of rather a revolutionary nature, and as it has taken me some 20 years of study to arrive at this point in my ideas on the Government of this country and some three years also of practical administration—experience of administration—it may possibly be necessary for me to take a little bit longer than ten minutes to cover the subject. It is, sir, a particularly pertinent matter that I have to bring before Council, and it concerns

[Mr. Erskine]

just exactly the question of administration, general staff, and in particular the provincial administration.

The system of administration in this country is one with which we are all fairly familiar. There is no question about it. The provincial administration and the district administration is of a quasi-military nature. Quite obviously it was the right kind of administration in the early days of colonial development. It is very obvious that one must have a close administration and that the Central Government must have its representatives and its agents in every part of the country, but I think that after many years we come to take this type of administration as something that is a part of democratic civil government, when really it is nothing of the kind. Now, sir, in all these things there must be progress. We must obviously move with the times and make some kind of advance towards a more democratic form of government, and for many years I have pondered in my own mind as to which would be the first step to take, and I have received very much encouragement and inspiration from all sorts and conditions of people in various walks of life which have inspired me to bring this matter before this Council.

In short, sir, I shall ask Council to consider very carefully whether the time has not now come for the complete excision of the intermediary functions of Government known as the provincial officers—the provincial commissioner and his entire staff. (Laughter.)

Hearing some laughter, it might perhaps be as well for me at this stage to refer to the remarks of the hon. Member for Ukamba which we all listened to with very great interest yesterday. She spoke of what she described as the provincial team: She saw, as we all do, a great necessity for a strong and efficient district team, but she could not see the need for the provincial team. Now I take that to mean that whereas she would realize and recognize, as we all would, the necessity for shall we say a district agricultural officer or district education officer, she could not see the need for that same person to be repeated in the provincial team. While we have a provincial headquarters—while that formation exists—the provincial commissioner

has to have at his elbow an officer senior, and if possible of the same service or department, as in the lower formation. One need hardly explain why.

LADY SHAW: Why?

MR. ERSKINE: I will explain briefly. Supposing a district commissioner goes to the provincial commissioner with a very difficult problem, perhaps it is to do with education. He may have had a difference of opinion with the education officer and he requires an umpire, requires advice. The provincial commissioner is surely unable to deal efficiently with that subject unless he also has a similar adviser who has studied this particular side of administration in his own office. I think that must surely be accepted by all.

When it comes to this suggestion of mine I want to say straightaway that I must exclude for very obvious reasons the Northern Province. In mentioning the Northern Province as an exception I think it adds to rather than detracts from my argument, because the Northern Province has all those factors which make this kind of quasi-military administration very necessary indeed. Poor communications over very vast distances, scattered and perhaps in some cases a primitive people, and possibly on occasions turbulent frontiers, all those things necessitate what I have described as a quasi-military form of Government.

I have frequently wondered, perhaps I ought to know, when it was that the Masai District became an extra-provincial district. It must have happened on an occasion perhaps some 20 or 30 years ago, perhaps 15—I have forgotten—but all I know is it could not have caused any very great extra work, nor could it have resulted in any weaker form of administration, nor could it have caused any faults to arise in administration or the system would have been done away with. All I am asking is that every district should become an extra-provincial district. I am not advancing this purely on grounds of parsimony. Progress, not parsimony, is the idea that I have in mind. This system would lead to the advantages of greater centralization and similarly the advantages of decentralization. I never know whether greater centralization is regarded as something to be worked for as an end in itself or

[Mr. Erskine] greater decentralization. Sometimes I hear the one advocated and sometimes the other, but my suggestion has the advantages of both. (Laughter.) Here again it is very easy to explain what I mean.

If a district commissioner requires advice or instructions on some particularly difficult problem in his district, at the present moment he would communicate with the provincial commissioner. In the olden days, and possibly in the Northern Province to-day, he could get a message to his provincial officer very much quicker perhaps than he could get a message to the Secretariat; but now, in all the provinces in this country excluding the Northern Province, he could probably communicate with the Secretariat direct just as quickly as he could communicate with the provincial offices. If it is a matter which has to go to the Secretariat for decision a direct letter to the Secretariat would reach there more quickly than filtered through the provincial offices. Similarly, in the opposite direction the Secretariat would be able to communicate very much more rapidly with the district offices. This in itself would result in bringing the Central Government into direct contact and closer contact with the districts, and I mention in passing, without laying undue stress on it, the tremendous financial saving that my proposal postulates.

Sir, I have before me here a circular letter from the Secretariat. I do not propose to read a single word of it, I only propose to refer to the heading. It is addressed "To all Heads of Departments, to Provincial Commissioners, and Officer in Charge of Extra-Provincial District, Masai", then, in brackets, "With sufficient copies for District Commissioners". Now it is not for me to reorganize the Government of a country in these few words, but perhaps I should just mention that this is how this circular would be headed if my system were accepted. It would merely read: "To all Heads of Departments, to Commissioner, Northern Province, to Officer in Charge, Masai, and all District Commissioners". Now, sir, I only mention that to show that in a final analysis the girl has to Roneo no more copies and no fewer copies.

The only result is that under my system they would go direct to the districts

instead of going to a provincial office where they would have to be taken out of big envelopes and opened and the documents would have to be re-addressed in smaller envelopes. I need hardly say that I have some personal experience of this. I was for some years in an organization which is at least analogous to civil government, and that was the East Africa Command Headquarters, and we had exactly the same set-up. We had area headquarters and sub-area headquarters, and then we had units in the field and stationed all over the country, and I for one always say that it would give me no more trouble at all to deal direct with the lower formations without passing instructions or matter through the intermediary formation.

I was quite satisfied in my own mind that I could do that in my own particular branch of the administration without any extra staff or extra work, because if I sent out a policy instruction which would filter through to a hundred different units, if it was incorrect or wrong or controversial or difficult to implement, a hundred kicks would filter back to me anyway. If it was a correct instruction and easy to implement then there would be no kicks, but the bolster of the formation between headquarters and the lower formation did not help in any way at all. In our rough military language we used to describe these intermediary formations as mere post offices. Sir, it would be a criminal thing if I were to describe provincial offices as post offices because they are quite obviously not anything of the kind. The provincial commissioner is a man who has a wonderful and great job of work. I am only saying that in this particular set-up in which we work at present he is not able to discharge the functions which he would be able to discharge very much better in some other job.

I have already mentioned that if we have the district teams then we must have provincial teams on the same lines and with each department represented. As we progress in civilization there will be other departments set up. Sooner or later—there is no doubt about it—welfare will continue to gain its adherents and will take its place as a recognized branch of social science. People will write books about it. It will become a complicated

[Mr. Erskine] study and sooner or later by the very nature of human things there will be specialists in this particular branch. There will be district welfare officers and there will also have to be a senior provincial welfare officer. While the provincial commissioner sits in his office and keeps his eye on the whole of his province and looks after the districts he has got to have a proper headquarters. It would be utterly impossible for him to discharge his function if he had not at his elbow those necessary advisers to cover every aspect of the work in the districts.

I consider it one of the most irresponsible things that one can do to put forward an idea because one has studied it and one likes it merely for that reason. I would never do such a thing myself. I would always before putting forward any suggestion seek all the advice I could and try to find out where the difficulties lie and what problems would arise in the implementation of any suggestions I had to make. Now, sir, the difficulties that arise are very real, but they are small—such things as the very necessary extension of the long scale from £550 to £1,775 a year. That would be, of course, necessary, otherwise the district administrator would come to the end of his tether rather sooner than would be advantageous to the country or to him. Possibly, too, sir, it would be necessary for there to be some reorganization of districts so that there would be important districts and less important districts, so that the more senior district commissioner who has reached somewhere near the scale of £1,775 a year would go to the most important district. By that I mean there would be no grave problem arising from the consequent abolition of promotion posts either in the administration service or in the other services, because I must impress on hon. members opposite that my plan would mean in effect the redundancy of certain posts like senior education officer and so forth because there would be no headquarters to attach them to.

I believe that all these problems can be solved. I am sure they can be solved because, when you come to think of it, there are no provincial offices in England and yet there are presumably jobs for

the sort of people who would find work in such offices here.

The only other matter I want to touch on in connexion with this proposal of mine is the effect on the growth of local government, and this is particularly pertinent to this head, No. 28, because as all hon. members in this Council will recognize this system of government, the field administration system in this country, really takes the place of the ordinary system of responsible local government in other countries, and therefore I have had my eye on the possible effect on the advance of local government of the abolition of the provincial offices. I feel that as the district councils, and other local government councils, in the country become more responsible and rate-raising and autonomous to a certain degree, that there will be even less need for that gauleiter intermediary, the provincial commissioner. (Laughter.) In other words, we will get back to a rather more orthodox system of local government by local government bodies.

I do appreciate that when the first clarion call comes for a big advance of this kind it must of necessity fall on some deaf ears and some unsympathetic ears, but, sir, it only leaves it to me to use as much patience as I can and to repeat at regular intervals what I have tried to say to-day, trying perhaps to give new angles to it and to use rising diapasons of sound and emphasis. This is a matter of extreme importance. I received a little bit of encouragement the other day from a senior administrative officer from a territory to the north of us. In that territory it is already becoming fairly clear that the provincial commissioners—only in this territory they have a rather more high-sounding name—are really there for the purpose of showing the flag, if that describes in part what I mean. They are there for that particular purpose. Now, sir, in this country, with the possible exception of the Northern Province, I believe, I hope, that that kind of thing is no longer so necessary. (Hear, hear.)

I have referred to the great additional speed which will result from this new system. Another criticism that I received the other day was just this. This gentleman said that throughout the districts there were a great number of admirable officers, but they were not yet

[Mr. Erskine] very old and had not yet had very much experience in district administration, and they were constantly requiring the fatherly guidance of the provincial commissioner and his advisers, and that to withdraw that system at the present stage might lead to disaster. Sir, I had already anticipated this criticism. Of course the district officer must have somebody close to him from whom he can get rapid advice, and the best possible advice, and so, sir, if this scheme of mine were adopted, there would of necessity have to be something in the nature of a section officer, or whatever it is called, in the Secretariat who would have the job of co-ordinating the districts which now group together in the form of a province. He would be there to open these letters. He it would be who would ring up his opposite number or perhaps somebody more senior in each service, whether it is agriculture, education or whatever it is, and get the right answer from the top, and in my submission I am going to say that the district commissioner, in seeking advice, would get his advice just as quickly—maybe quicker—and from a more authoritative source.

This is in the nature of an opening shot, but I do feel that as I am developing this theme during the next 10 or 20 years hon. members will come to realize that it has some sterling worth.

Finally, sir, I want to say that I intend and I imply no shadow of criticism of any officers in the field or officers in the Administration.

MR. HOPKINS: I should like to draw the attention of the Committee to a fact which has been impressing itself upon me more and more during the last 18 months, and that is that whenever the hon. Member for Ukamba gets up and talks about Administration or about the native reserves she is really worth listening to. (Hear, hear.)

I should like to give my support to her criticism of this so-called provincial team system. In my opinion never has there been a more cumbersome and complex system of centralization, and I think the system, instead of being called by the euphonious term of "provincial team" could more aptly be named the "provincial centralization organization". The term "provincial team" seems to imply

just what all good Britishers like. It conjures up visions of everybody pulling together, of that spirit of comradeship, energy, etc., that one gets in the playing fields. Actually it is nothing of the sort. The provincial team system is, of course, welcomed by departmental heads. Take, for instance, the case of my friend the hon. Member for Agriculture. It provides for him four senior posts where he can put his outstanding officers and they are put there, I fear, in spite of the fact that the practical work in which they have made their reputations has to be abandoned and they become more or less administrative office people.

It is in the districts that these teams are necessary, and they should not be duplicated at provincial headquarters so that constant reference, constant returns and reports and entire approvals have to be obtained, with the result that all initiative and enthusiasm dies down in the districts. The provincial centralization organization—it is rather a difficult word—is a very cumbersome system and gives rise in each district to a very great deal of unnecessary correspondence on the part of the district commissioner and all the officers in the district, and these reports, etc., have, of course, to be sent in sometimes fortnightly in order to enable the provincial officers to make reports to their departmental chiefs. I believe that this system is mainly responsible for the huge growth of clerical work which we are told by Government has occurred in recent years in the provincial offices. One often hears these days that the field officers are not in such close contact with native public opinion in the reserves as they should be. Well, that of course is inevitable; they are all in such close contact with their provincial centralization organizations.

I believe that the administrative plans for each district should be drawn up in the districts by consultation between the provincial commissioners, the district commissioners and the departmental officers. This, I know, is already done to a large extent, but what I feel is that the district commissioners and their teams should then be able to get on with the job without constant reference to headquarters. Such guidance as is necessary could be provided by the provincial commissioner when he tours the various districts, and not, as suggested by my hon. friend on my right (Mr. Erskine),

[Mr. Hopkins] the provincial commissioner sits in his office and keeps an eye on the whole of his province. At any rate, just as the district commissioner has to keep in touch with his district officers, such further co-ordination as is necessary from the provincial point of view could, I feel, be adequately achieved by yearly or twice yearly meetings at provincial headquarters of district commissioners and departmental officers.

Finally, I should like to say how pleased I was to hear the hon. Member for Agriculture and Natural Resources stressing how administrative officers had given every assistance and every help in developing the schemes undertaken in the native reserves by his various departments. The days when the district commissioner could be the medical officer, veterinary officer, agricultural officer, judge and tax collector are long past, and the main function of the administrative officer now is to support and to help in every way those departmental officers who are helping him to carry out Government's policy in his own district. Without his active support little can be done. The influence of the district commissioner is, I believe, still paramount in the native reserves, and if we want our native reserves to advance on sound lines I pray that his influence may continue.

I have had quite a considerable amount to do with the administrative up-bringing of the present Chief Native Commissioner. (Laughter.) I know him to be a man of energy, ability and drive—(applause)—and I do hope that he will give serious consideration to the suggestions that have been made from this side of Council as to the reorganization of these provincial teams.

MR. MATHU: Mr. Chairman, in supporting the motion before the Committee I should like to make remarks on three points. I think these three points have already been touched upon by previous speakers, and the first one is what has been described by the hon. Member for Nairobi South as a militaristic form of Government. I did not want to use these words, but I was thinking over this last night and I want to use different words but referring to the same thing. Here we have mentioned more than once that what we want in the

African areas at the present time is a positive policy, and I was going to suggest that one of the points which make us feel frustrated in our representations on this matter is the existence of certain districts in the Colony to-day where there is a demonstration of not a positive approach to problems but a negative approach. I refer to those districts which the hon. Member for Nairobi South referred to; what are called, I think, in legal language "closed districts" and "outlying districts". These districts are closed.

The word "closed" psychologically prohibits people from doing anything open and broadminded. The districts are "closed", and I am suggesting that districts which come under the law of closed districts should be made open districts, that the inhabitants of these districts should feel free to move in and out of the districts and should not feel that they are isolated, but free to live as they used to live long before the advent of the British administration to this country. It may be argued in reply that there are reasons why these districts should be closed and why the members of the various African communities should not go out of them unless on permit, and why other members of the country should not get into them unless, again, on permit. But I say that, if there are things which necessitated such a measure in the early days, they are not at the moment necessary, and our suggestion is that the laws relating to the closing of these districts should be repealed.

In other parts of the world, like North America, the closing of the west of the continent for the Red Indians has not really contributed very much to the advancement of North America; neither did the closing of the Australian aborigines to the western side of the continent contribute very much to the advancement of Australia, but the opening and encouragement of Maoris in New Zealand has tremendously helped in the advancement of that country. Along similar lines we are suggesting that those responsible should go into this matter and let the Masai, the Samburu, Elgeyo, Kipsigis and the Nandi feel that they are members of this Colony and can move as freely as anybody else.

The second point is the point made by the hon. Member for Mombasa. He

[Mr. Mathu] said that in his view the administrative officers should be really the best we can get, and I entirely agree with him. The hon. Member for Aberdare also touched on that point and I agree, but I should like to suggest that one way of achieving that end is the encouragement of the African to play a direct and active part in the administration of the district, and indeed instead of increasing the number of European officers in the district we should employ more African officers; in other words, start a policy of Africanizing the Administration, and then the senior man in the district, the district commissioner, should be able to move throughout the district and meet the people. But when you have him tied down to routine work in offices which Africans can do then it is not possible to expect the district commissioner to move as often as he would like to do and meet the people in the district. Therefore we are suggesting that the experiment that has already been started of having African assistant administrative officers (I hate the title, it is too long) should be encouraged so that we can give them greater responsibility and they can then relieve the district commissioner of a lot of routine work.

The chiefs could be given greater responsibility, and I notice, incidentally, that actually none of the posts of chiefs and headmen seem to be pensionable. I know that certain Africans who have had training in England have applied for higher posts in the Administration and this has not been possible. I should like to say that unless we get openings in the Administration for high posts for Africans we are really wasting the young men that we are educating both in this country and abroad. We are suggesting that we should get these people in the Administration, give them higher posts and greater responsibility, and then they would feel they were part of the machine to help run this country efficiently.

The final point I wanted to mention is in regard to the district commissioner as a judge and administrator. The hon. Member for Aberdare did say that the days when the district commissioner was almost everything—a judge, veterinary officer, agricultural officer and all the rest of it—are gone and I entirely agree with him. The district commissioner should be

an executive, and I have suggested this here more than once before. The time has come when we should relieve the district commissioner of his judicial functions, and it is a known and accepted principle all over the world that the judicial functions and the executive functions and the legislative functions should be separated. I feel that it is high time we recognized that. Even if it means employing magistrates at every district headquarters I personally would support such a move, but this principle of the administration of justice we must not sacrifice in the name of economy, it is such a vital matter.

In this connexion I should like to say that the native tribunals were the subject of an inquiry by a very learned gentleman who was in the Government service, Mr. Arthur Phillips, who was a Crown Counsel. He produced this report about five years ago and made recommendations for the future reorganization of the tribunal system. I should like to hear from Government whether they have accepted some or all of the recommendations of this report or not, because the appeals that come up to provincial commissioners at the moment, particularly in the Central and Nyanza Provinces, are enormous. There are four courts that a fellow has to go through, and Mr. Phillips made representations which would improve the situation to prevent this happening. As it is, in land matters, the provincial commissioner's court is the final court of appeal. There is no legal provision for anything further. If they feel that justice has not been done all that is left to them is the sending of petitions by the aggrieved parties either to the Chief Native Commissioner or to the Native Courts Officer and in some cases to His Excellency the Governor.

That is an undesirable state of affairs and we feel that the time has come to reorganize and overhaul the whole business of the native tribunal system. Mr. Phillips has in this excellent report made recommendations which I personally should like to see implemented so as to avoid the frustration of these people in presenting petitions, as I have said, to senior officers of Government, and the reply which is always given which is that the Native Tribunals Ordinance, 1930, does not provide any court of

[Mr. Mathu] appeal other than that of the provincial commissioner.

I would like in closing, in support of this view, to quote a sentence or two from a French writer named Montesquieu on "The Spirit of Laws" in which he says: "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 tyrannically. Nor again is there any liberty 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 citizens 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".

That quotation may be taken to imply that I say that the bad things that the writer speaks about applies to any of our officers in the field. That is not my opinion. My point is that it is the principle which I am fighting against, of joining judicial power with executive power.

I beg to support.

MR. DAVIES: Mr. Chairman, there seems to be a number of points to reply to!

The first, I think, that I will deal with is the suggestion that provincial commissioners and all senior officers of departments, the senior education officer, the agricultural and veterinary officers and others who now make up a provincial team, should be abolished and with it the suggestion that a provincial team is thoroughly bad, cumbersome and makes for delay. I think I can only say about the latter part that this is a form, I think, of decentralization and not centralization. I believe the hon. Member for Ukamba said that that was what I was going to say. I congratulate her on her prophetic powers! I think it is a matter of decentralization. You have got to find a unit somewhere or other. The Central Government has got to find one of some size or other with which it can correspond, and the suggestion has, I think, been made to-day that it should correspond with every district. I remem-

ber that one of the last things my tutor said to me when I left Cambridge was, "Always live with a map, it is important to have it around you". If you live in a district you get district-minded, and parochially-minded. I go so far as to use Nairobi as an apt illustration, and Government gets parochially-minded; it thinks in terms of Kiambu, Machakos, and so on. I think it is very essential that we who live in districts should appreciate that we are only living in part of a bigger unit.

I know that there has been a lot of change in these units in the short time I have been in this Colony. There have been provinces made and re-made. I would not say that we have got them right yet but, generally speaking, they are fairly useful units. Nyanza, I think, is an extremely good unit, the Coast is a reasonable unit, the Central Province I daresay is open to argument in that part of it used to be the Ukamba Province, and I dare say the hon. Member for Ukamba feels that she is rather at the far end of a province and that Nyeri is a long way away. That is a criticism of that province, and possibly to-day there may be some feeling at Nyeri having to do with what is going on at Machakos. I think that is a very reasonable criticism of a province as such and not of the system of having provinces.

As regards a provincial team, the first thing that I favour is that it makes a provincial commissioner team-minded—I am sorry that I used that disgraceful word "team"—it makes him think in terms of other things than mere law and order, administration and so on. It makes him think particularly in terms of agriculture, and it makes extremely important that close contact between the provincial officers, agricultural officers, veterinary officers, doctors and the provincial commissioners. I should be very upset if that went. We have built it up over the last few years, and it is a most important asset that we have got. We have heard to-day that these provincial teams meet, and I say this, though possibly I should not, that they do meet as teams very rarely. A provincial team consists very largely of the provincial commissioner calling in the officers who have to deal with a particular subject in hand, and it makes for discussion between those men who live in offices side by side, but it

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is not a sort of formal business, a weekly meeting and so on with a lot of minutes and more and more paper.

I was very surprised to hear my hon. friend—I almost said my tutor!—the Member for Aberdare say that these things made for more correspondence and more returns. I cannot think of any return that a provincial team has asked for. The Central Government asks for returns, but I do not think a provincial team has asked for them.

Another reason for the existence of provincial teams is that several districts within a province usually have the same sort of problem, and it would be a mistake to treat them as separate units. In the case of the Coast Province, which I know, if the District Commissioner, Kilifi, had to correspond with a Secretariat officer and the District Commissioner, Kwale, had to correspond with a section officer in the Secretariat there would be nobody to pull the districts together where the problems are identical, for they are inhabited by people speaking the same language. By all means let the district commissioners meet, but they do not always agree, and somebody should certainly be there to try and produce agreement and pull the province together. It is important, I think, to get *esprit de corps*, and in that way to get a provincial *esprit de corps*. There is a good deal in what the hon. Member for Nairobi South said in his idea that we eventually get rid of these quasi-military organizations. I am sorry to hear it called that, but in places such as he suggests, the Northern Frontier, it is to some extent, but I do not think it can be said that the Administration in the Central Province or Nyanza—

MR. ERSKINE: On a point of explanation, that is what I want to get rid of; there is no longer any need for this quasi-military organization. That was the point I was endeavouring to make.

MR. DAVIES: Thank you, I am glad to hear there is no longer a quasi-military organization in these areas.

At the moment, I think that if you started to have your correspondence between district officers and the Secretariat you would merely get a bigger—and I hope better—certainly bigger, a more cumbersome Secretariat. You would have

to have a filter if nothing else, and a province at the worst is a filter.

On the subject of district welfare officers, that has been raised by the hon. Member for Ukamba. She said that they required no organization and that many district officers would rather have "another body". I know very well that many district commissioners would rather have "another body". The last district I served in was before we had district welfare officers, and one of my district officers had to do the social welfare part—and I do not like the other term—of the district. What, of course, happened was that he wanted to go out and look at social welfare halls, and it was very unfortunate because there were cases to be heard or some other job, and the social welfare part just did not get done. That is what I am afraid is all that will happen if the social welfare officers become district officers.

I dislike the term "social welfare". I think that in the debate last year the hon. Deputy Chief Secretary said that my predecessor was hoping to change the name to "development officers". Everybody laughed, I do not know quite why. But "communal development" is better than "social welfare", although that is not absolutely right. It is another long cumbersome term, but I think it describes more what these men are doing.

I think the point I am inclined to myself is that the old-fashioned Administration, and I say that with great respect to old administrative officers, the old-fashioned Administration thought in terms of imposing something from above. The whole essence of communal development is to inspire the local community with the urge to do something for themselves, and that requires the closest contact with the people. A district commissioner nowadays, I am very glad to say, is left five years or so in the bigger districts so that he gets to know them. But, on the other hand, as all kinds of responsibilities are thrust upon him, particularly now with the growth of local government, he has partly the task of shaping that local government, and he is not able to make the close contact with the people that he used to do and which I wish he still could. The district welfare officer can get that close contact with the people. He is there for a long

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time and should learn the language, and that I think is very important indeed. He should be able to get among the people and to impose, from without if you like, to that extent some ideas to make the people themselves want to get ahead, want to develop their own small community. That, I think, is the whole essence of these district officers (community development).

There has been a criticism that the post of Commissioner for Social Welfare is unnecessary or that he should be called a Senior District Commissioner (Welfare), and that many of his staff could come under the Member for Health and Local Government. First of all what has that officer to do? His main task to my mind is to find out first of all in the districts what are the main problems that should be the subject of education, mass education—I suppose we have to use that horrible term—in the districts. He has to find out in the districts what particular subjects are necessary that the district teams want to put across in the various parts of the districts. He should get around the country and find that out. He has to see that the district officers (community development) have the right material to put that across, that they have all the pamphlets, posters and films and all the rest of the modern paraphernalia for mass education. He also has to see that that is properly produced by what is now the Information Service, and the tie-up between those two is a very close one. I know the Information Service is now *sub judice* as there is a committee sitting on it, and whether or not the tie-up between the Social Welfare Commissioner and the Information Service is closer in the future remains to be seen.

But there is that close tie-up, and he has to see that the right material is produced and put across by the district officers (community development). Then he has to see that the Jeanes School is used by departments. At the moment the Jeanes School is the training ground for the Africanization of the Civil Service. We have courses of all kinds going on there; courses for welfare workers, for technical staff, for teacher training, clerical, probation assistants, bakers, chiefs, local native council staff, all kinds of courses go on at that school and the

inspiration for that comes from the Commissioner for Social Welfare, who has to keep in touch with various heads of departments in Nairobi and, to use a slang term, "sell" the Jeanes School. I should like to pay a tribute to the way he has "sold" the Jeanes School, which is a most important and valuable asset to this country.

There are, I know, various members of his staff who, the hon. Member for Ukamba suggested, might come under some other organization, under the care of, for instance, the Member for Health and Local Government, people like social welfare officers (female) (Asian), social welfare officers. We have got a Rural Industries Officer who goes round and tries to develop the rural industries and that, I think, is a job which is particularly one for the Commissioner for Social Welfare's organization and not one which could possibly come under any other department. The future of social welfare officers (female) and all this remedial work is, I believe, the subject of another investigation now and it is quite possible that that work might be handed over to some other department.

I am afraid this is a very haphazard and mixed reply, and if so you must forgive me. One point I wished to make was dealing with the hon. Member for Nairobi South and the hon. Member for Aberdare, in that if you cut out all this provincial organization, cut out your provincial commissioners and provincial officers, you cut out personal contact, and that is to my mind quite vital. You must have personal contact between officers.

MR. ERSKINE: Personal contact between whom, sir?

MR. DAVIES: I think you suggested that the contact should be improved, and that the contact should be between the District Commissioner, Kwale, and Section F in the Secretariat. That, I would suggest very humbly, is not a personal contact; it is a contact by letter, which means more letters, and personally I hate letters.

MR. HOPKINS: On a point of personal explanation, I should like to say that my suggestions were almost diametrically opposite to those of the hon. member on my right (Mr. Erskine). My suggestion

(Mr. Hopkins) was that the provincial commissioner should keep more contact with his district officers by going round and seeing them and advising them, not by sitting in his office and keeping an eye on them from there.

MR. DAVIES: Thank you, that is exactly what I was saying. I regret that I associated you with the hon. Member for Nairobi South! (Laughter.)

Going back again to my hon. friend the Member for Nairobi South, the development of local government now going on in the native areas is exactly what he is looking for I think. He suggested that in England there were no provincial offices, but England is full of town halls, district council offices and rural district council offices, and they are only the further development of exactly what is going on in this country. We are now having provincial offices, things which I personally welcome very much because they cut out an enormous amount of correspondence. A man sees another man instead of writing to him. I cannot think of anything better.

It was suggested that we should not show the flag. Personally I am not ashamed of showing the flag, and I think that at the right time and right place it is very necessary and desirable to show the flag. (Applause.) I do not say that in any kind of jingo way; I think it is something we all require.

Replying to one or two of the very difficult points that the hon. member Mr. Mathu raised, he talked about closed districts and talked about the Elgeyo, the Nandi, the Kipsigis and others. Now I may be right, I may be wrong, I am speaking completely without the book, but I think the Nandi Pass Rules have not been used for some little time, but I will check that up. I am entirely in favour of pass rules being abolished wherever it can be done. It is a bad principle and where we can abolish them I think we should. They were brought in, you know, for very cogent reasons, and as these reasons disappear so I shall make every endeavour to see that the pass rules are abolished.

The hon. member Mr. Mathu also referred to the Africanization of the Administration, and said that we should have more African assistant administra-

tive officers. Well, we have only had these officers for three or four years. On the whole they are doing very well. I know I shall be shot at later, if that is a parliamentary term, for not having more of them, but we have got to see how they are getting on. They are pretty good up to the present, and I think we must see for a bit how they do. (LADY SHAW: Like the welfare officers.)

The wish of the hon. member Mr. Mathu that we should have Africans in the higher posts of the Administration is a point which I think I must answer quite straight. District officers in the Administration of this country are extremely carefully picked. The competition for the job is pretty hot, the standards required are high. Before the war they required a fairly good university degree. The hon. member Mr. Mathu has been to Oxford and he knows exactly what I mean. It wants an honours degree, and that is the standard we must try to get. I do not think there are many Africans in Kenya with honours degrees, and we have to try to produce these men. But at the moment I do not think we could find any reasonable number at all. If we could find two or three, I should be very surprised. You have to get them up to standard.

He also suggested that chiefs should be given more power. I do not know whether in his constituency that would be welcome. Chiefs have a good deal of power, and we have lately put in location councils to advise them. There is often a groan from the people that the chiefs have too much power. That is a debatable point, but it certainly is a fact that we have in the last two or three years put in location councils to advise chiefs, so that we get the ideas of the people and not only the ideas of the chiefs.

The hon. member Mr. Mathu also referred to the same man carrying out judicial and executive functions, and said that that is a bad principle and should be abolished. I could not agree with him more. It is a thoroughly bad principle. But it is an African principle. In fact we went against the African practice in this country when we disassociated chiefs from the judicial work. The executive and judicial functions in the old African systems were very often combined, and we have gone right across that and

(Mr. Davies) broken it down completely in our setting up of native tribunals. (MR. MATHU: It is a necessity.) It is a necessity. I entirely agree, but I should like to make it quite plain that this is a European principle and not an African one.

*Council adjourned at 11.05 a.m. and resumed at 11.25 a.m.*

MR. DAVIES (continuing): I have only got a few more points to make, and I should like to say one or two things more about the divorce between the executive and judicial, which was raised by my hon. friend Mr. Mathu. That, as I said before, is a European conception and was not an African conception.

MR. COOKE: On a point of explanation, surely it is an African conception that the Kiama, and once the Kikuyu, did not contain a chief and they went in for judicial work?

MR. DAVIES: I think they also had executive powers. On that point I agree entirely with my hon. friend Mr. Mathu on the lines that criminal work should be separated as far as possible, and the only point where I disagree with him is on the civil work which is done by administrative officers in hearing appeals. That I think is an important thing, and I think that that does help the district officer, and not only the district officer but certainly the provincial commissioner (and I find that myself very much) to keep his feet on the ground. The district commissioner and the provincial commissioner are inclined to think in terms of local government—a rather large concept. When you go to a native tribunal and listen to Africans who are discussing whether or not a cow belongs to A or B that puts your feet right on the ground and that really gives you good honest contact with the people.

THE CHAIRMAN: Will the hon. member be good enough to address the Chair, because I do not want you to get into this cross-talk habit. You must recollect that the reporters find it impossible in this chamber to get anybody down unless people tend to speak towards me. We ought to have the benches curved in more than we have at the moment.

MR. DAVIES: The number of appeals heard by district officers over the last

year I think show two things. First, that there is still some contact (in reply to my hon. friend the Member for Mombasa) between district officers and the people, in that in the Central Province last year the district officer heard 850 appeals, and in Nyanza 750 appeals, so there is that contact, and it is a contact which I think it would be a mistake to break.

My last point. My hon. friend Mr. Mathu raised the question of what is Government doing about the Phillips Report. That, Mr. Chairman, is what I will describe as rather a quick one, and I would like to go into it and will reply later to that point.

MR. BLUNDELL: Item 7. My question is born by ignorance out of fear. Hon. members will remember that when the Member for Agriculture was moving his vote he asked us to approve a series of blanks in the Soil Conservation Service in order to gain a prescriptive right in the future. In item 7 ten bodies are carried by the central Administration vote, but are the bodies shown in both votes although the money is only in one?

MR. COOKE: Item 11. I wish to propose the cutting down of this vote by £1,836—in other words to oppose the appointment of two more welfare officers. The hon. gentleman rather indicted himself this morning when he said that in a certain district it was found that district officers were simply not doing welfare work. I have always thought it was the duty of the district officer to be a welfare officer. It should be an ingredient in his work, and I feel that by superimposing these welfare officers the district officer must lose a great deal of personal contact with the African which, as one or two members on this side have emphasized, is so essential. Later on I am going to propose, if some other member does not, the deletion entirely of the Welfare Department, because I would not like to see the Director of Welfare—and here I want to issue the same pledge as the hon. Member for Nairobi South, this is no attack on any individual officer, because we have got the greatest admiration for him. I worked in Tabora with Mr. Williams for two years and he is a man of outstanding ability—(applause)—but I would like to see him adviser to the Chief Native Commissioner on welfare and the district officers going back

[Mr. Cooke]

to their old duty of welfare officers. I am proposing therefore that we should not support these additional two welfare officers.

THE CHAIRMAN: It is proposed that item '11 be reduced by £1,836.

MR. RANKINE: Mr. Chairman, I would like to say something in rather general terms on these two items—that is the welfare officers and the increase in the district officers.

I think that the opposition to that is mainly derived from two causes. In the first case there is great prejudice against the term "welfare officer" or "social welfare", and, secondly, I think there is a misunderstanding as to exactly what we are trying to do in the field of what is called social welfare. I admit the same prejudice against that term as is shared by so many others, and I have often discussed it with my hon. friend the late Chief Native Commissioner to try and think of a better term, and if anyone can do so we would be much obliged. We thought of "community development", but that again is not a good one. In my view the simple term "good administration" is really what we mean and is what we are trying to do.

Nothing is more striking at the present time than the multiplication of tasks and the growing complexity in administration these days. I do not think any serious-minded person really denies that, and I should be the first to share with my hon. friend the Member for the Coast the view that it is highly undesirable for administrative officers to lose touch with the people or to neglect the welfare side. But the short answer is that there are so many tasks to be done these days that one man just cannot do the whole lot, and the whole object in the increase of district officers and the addition of welfare officers is in order to get better administration—closer administration and closer touch with the people.

The other day I was browsing through a book which I think nearly every member of this Council has probably read. That was Trevelyan's Social History of England, and I happened to come across this phrase: "Social history is the history of a people with the politics left out. Without social history economic his-

tory is barren and political history is unintelligible". Immediately I drew the analogy with what we are trying to do in the Administration, and I would suggest to this Committee that if we do not attack the welfare side—or let us call it the social welfare side—we are in fact providing an administration which is both barren and unintelligible. We can, of course, have a most ruthlessly efficient administration, we can maintain law and order, we can prevent the people from destroying their land, we can go further than that—we can actually increase their economy, but unless we do something on the social side, on what I would rather call the human side, we are in fact doing nothing at all.

In these days the world is moving very fast. Not all of us like that. A number would like to make it stand still, but the sure fact is that we cannot. We might as well sit on the beach like King Canute and tell the tide to stop. Unfortunately in this world the African in many cases is being left high and dry. He does not know what is going on. A good deal of what is happening is sometimes unintelligible to him. There is every reason for him to feel at times frightened, perhaps frustrated. It is often asked in this Council what we are doing to give to the African in place of what we are taking away. Tribalism in many cases is being destroyed. What are we giving in place of that? A great deal is talked of leadership and we are told that positive leadership is required. I suggest, sir, that on the human side, on the social side, we should try and give something.

I do not think anyone would deny that our progress in this Colony depends on developing in the African a sense of community responsibility, of social obligation, and above all a sense of service. (Hear, hear.) I suggest, sir, that the only way we can do that is not to be found in the ordinary way of administration, but in trying to get across to the African something of what is sometimes called, for want of a better term, our way of life—the Christian way of life perhaps, but I would not use that term because there is a great deal of merit in many other ways, in, for instance, the Muslim way, or other ways, and therefore I would rather call it "our way of life".

[Mr. Rankine]

Now I hope that in this system of closer administration we can do something outside the ordinary normal official jobs in the way of giving something to the African, and to the other communities for that matter. I hope perhaps that we may be able to do that beginning with the family, because after all the family is the foundation of our community, and unless you take the family life into consideration, unless you try and get at the women and at the children and build from the family to the community and from the community to the nation, with the King as the symbol at the head of it, we are not really building constructively in the Colony.

We have our way of life; we have something of culture, something of general conditions, religion, art, science, music—all the rest. Many people find it fashionable to sneer at those these days, but they mean something to us, and it is on that background that our conduct of life is based. (Hear, hear.) Unless we can give something of that, how can we expect others to follow the leadership which we claim to exercise? How can we expect them to build up that public opinion which we were talking about the other day, the public opinion which we need to back up our efforts to maintain law and order?

That, sir, is what is behind what we are trying to do here. We are trying to teach, or perhaps better still to "give", something of "our way of life"; besides providing the mere bare bones of administration, the maintenance of law and order, the negative side of preventing people from destroying their land. In addition, on the positive side, to building up the economy and developing political life, we hope to give something on the human side, something to add to their social life. That, sir, is what I would describe as "good administration". It may be that people will not agree altogether with what we are doing, they may not agree with our methods of doing it, but I hope they will agree that it is worth while having a try, and therefore I would ask that these items be left in so that at least we can have a try. (Hear, hear.)

MR. COOKE: Mr. Chairman, I think, with all due respect to my hon. friend, that there is a certain confusion of

thought over this matter in his mind. I am not proposing that the number of "bodies" should be reduced, at this moment at any rate, but I am proposing that the welfare officers should be the district officers; that the whole welfare officer idea is a misconception. We are not objecting to the name, but we are objecting to the taking away from the Administration what some of us believe to be their right function, and we believe you are replicating work and causing possible friction by the establishment of these welfare officers. My hon. friend quoted Trevelyan's Social History, but we know social services in England were a very slow growth indeed, and it was not until Shaftesbury sounded the trumpet throughout England that social services were considered at all. Some of us think that the tempo of social services is increasing a little bit too rapidly.

I would like to see some of this money—and I think most of the hon. members agree—spent on agriculture. It was only the other day that His Excellency the Governor said social services are a consequence and not a cause of primary production. We feel that until the economics of this country have been firmly established we are going a little bit too far with the social services. Welfare to me is a word—the implementation of it is a conception that I cannot quite see. To me it is a much better welfare service to dig a well or make a dam than to establish an infants crèche, because I think the right welfare for people is what is going to establish their economic set-up in this country. That is the reason I object to welfare officers. One, I think it is a misconception—we are going a little too fast; two, I think welfare work should be done by the Administration itself, which keeps them in much closer touch with the people of this country and leads to better government and better law and order in the end. Therefore, sir, I am unable to withdraw this motion.

MR. THORNLEY: Mr. Chairman, I think that the hon. Member for the Coast is under a misapprehension still about these district welfare officers. In the motion which we are now considering he referred to the superimposition of district welfare officers on the Administration. There is no question of superimposing anything on the Administration, and, indeed, the hon. Member for Ukamba

[Mr. Thornley] told us early this morning that she was quite satisfied herself that these officers do regard themselves as members of district commissioners' staffs. Then again the hon. Member for the Coast referred to the establishment of these posts as taking away something from the district commissioner—in fact it is doing exactly the reverse. It is giving to the district commissioner one of the necessary tools to enable him to do his jobs. I would emphasize again what I said last year, which is that these people are essentially part of the district commissioner's staff and that they are there to help him to do his job.

My hon. friend the Chief Native Commissioner this morning when he referred to an instance of a district officer going out on tour and being unable to do all the particular welfare work or development work or social service work or other kind of work—unable because of the pressure on him of hearing appeals or doing some other very specific work, possibly even demarcating a plot for someone to build a house on, and who did in fact not have time to do the other functions which I think we all agree must be carried out—he was not, and I am sure my hon. friend will agree, he was not intending to give the impression in quoting this instance that that particular district officer did not regard it as his job.

MR. COOKE: Would the hon. Member address himself to the question of increasing the number of district officers? My point is that if a district officer is so overworked that he cannot undertake welfare work, by increasing the number of district officers you will have a district officer who will have time to do the work.

MR. THORNLEY: I accept that, but I did not wish it to be imagined by members during this motion that we were attempting to superimpose on the district commissioner, or take away from him, what we recognize is one of his principal responsibilities.

MR. HOPKINS: While I feel that many of the points that have been put up by the hon. Chief Secretary and the last speaker are accepted by this side, I cannot follow the implications of the argument which seems to be that a few junior officers attached to the Administration,

who have not anything like the qualifications of an experienced administrative officer, or any administrative officer, can accomplish a revolution in the social advance of the African, which the experienced administrative officer is not able to do. I think that is our whole point—that we think this work could better be done by the administrative officers which exist and which, if necessary, might have to be increased, but we cannot accept the argument that the work can better be done by an officer who has not anything like the qualifications, which the Chief Native Commissioner pointed out, were necessary for an administrative officer.

MR. BLUNDELL: I wish to support the motion. I listened to the speech of the hon. Chief Secretary with interest. I agree with a great deal of what he has said, and the real issue before this Committee is the means of conveying the points which he raised over to those who are administering. That is the real issue. We on this side believe that many years ago the administration could say "Go thither" and "Come hither". To-day it must say "Follow". My hon. friend opposite wishes to have particular officers to say "Follow". He considers that the whole function of administration should be designed to bring forward that aspect to the people they are administering. It is not the particular set-up that is the vital issue between us in my opinion. We think if you wish to build up an organization on these lines it would be far better to build it up as an integral part of the Administration itself, where every officer has the ideas and thoughts which the Chief Secretary put before this Council so very well. It should not be a separate organization developing on its own. Every officer in the Administration should be imbued with and attempt to carry out those ideas.

MR. RANKINE: Mr. Chairman, I am very glad to hear what the hon. members opposite have said, and I think there is really very little difference between us.

As the hon. the Deputy Chief Secretary tried to explain, we are not building up a separate organization. This is all under the district commissioner. The only point is, as I tried to explain, that nowadays there is such a multiplication of tasks, and the whole administration is so complex, that one man cannot do it all.

[Mr. Rankine] The district officer, as members have pointed out, is a highly trained officer, and, of course, he is also correspondingly high paid. He has to be, by the very nature of his duties, a "jack of all trades", and he cannot do them all with the knowledge of an expert. Many of these tasks are tasks which someone slightly less qualified, in the general sense, than a district officer can do. They are also in another sense very specialized, and that is the reason why we need these particular people to do them, but they are part of the one organization.

These welfare officers are people who concentrate on one area, who learn the language, who do concentrate on dealing with these particular tasks as a specialized task. I do not suggest for a moment that the district officer should not have an equal responsibility for them. What I suggest is that the district officer must have the general responsibility and supervision of them, but that the welfare officer is a specialized man who, as you will see, does not go quite to the same top of the scale, who is there concentrating on these particular tasks, and I do suggest first of all that that is the most efficient way of doing it and, secondly, that it is the most economical.

DR. RANA: Mr. Chairman, I will not start by saying "that it was not my intention to speak" because it was my intention to speak. (Laughter.)

I have listened to this motion very carefully, and I must say that this subject has been perplexing not only this Council but the Municipality, the term "welfare", and I am one who up to now has not been given to understand who was the originator of it. First of all I would say that I support the motion moved by the hon. Member for the Coast, and, if I am permitted to say so, district commissioners in India and here are the officers who ought to be in the closest touch with the people they are supposed to be administering to. In our part of the world, when I was young, and the hon. Financial Secretary will corroborate me, we used to look on the district commissioner as a father and mother, everybody would go to him and talk to him. Now, in this country, particularly in Mombasa, I must say that I have had no administrative experience, but I have been in close touch with vari-

ous officers in one capacity or another, and in Mombasa before the war we had one provincial commissioner with a few Asian clerks; then we had a district commissioner and one or two district officers under him. They used to do labour, revenue, administration and everything. To-day we have the Provincial Commissioner, a Deputy Provincial Commissioner, two European lady secretaries and an Asian staff, and we have got a District Commissioner. Really, I must honestly say that I do not know what that poor man is doing there. He used to be chairman of the Municipal Board but is not now. Again, in the Labour Department there are three European officers, and we have a Revenue Department, as well as an agrarian officer attached to the Provincial Commissioner.

I feel that welfare can be safely left to the administrative officer because he is the officer who must remain in close touch with the people. By appointing these various officers what happens is that no one knows to whom to go. If you appoint revenue, labour and God knows how many others, the district commissioner will be left with nothing.

I believe that welfare is a very good thing, and I admire it and it is a good idea, but in this country the first thing is to give more money for the education of all races. If this amount to be spent on welfare officers could be given for education for the African or Asian or other communities, that in itself would be welfare. A few years ago somebody very kindly sent two Asian ladies, one from Mombasa and one for Nairobi, to England for welfare training. I do not know how much it cost. Government brought them back. One is in Mombasa now. At first Government did not know what to do with her or where to put her, and after great difficulty she was deputized for Mombasa. The Municipality twice refused to have anything to do with her, but by the kindness of the hon. Member for Local Government we accepted her. I once asked, "What are you doing in welfare for the Asians?" She said, "I go to the girls school and see how many of the girls have got lice." A second thing was that if a husband and wife quarrelled she tried to reconcile them, and I told her that she ought to be careful, for it might be somebody



[Dr. Rana] like me who would hit her. (Laughter.) With all due respect, it is not a matter of joking. I think we all want welfare and development and improvement in all races, and it would be better if this particular item is given to the officers who have to administer and keep in touch with the people. That is the greatest thing which a Britisher, an Englishman, could do in this country.

I have been in this country about 25 years, in Zanzibar and here. One officer I have seen who used to be really in touch with the people was Sir Claude Hollis, at one time Resident of Zanzibar, before the father of our Chief Secretary took up the Residency. Every afternoon and evening he was in the town talking to the old people of all races, finding out about them. To-day I am afraid that in Mombasa there are few officers I see actually going into the Old Town or other places and keeping in close touch with the people as they should. It is on that basis that the social welfare of this country can be improved, by giving more education. Doctors are doing welfare in all districts, agricultural officers are doing it, veterinary officers are doing it, and I cannot understand what these new welfare officers will do. It beats me, and I support the hon. Member for the Coast and am glad that he brought this up.

MR. OJANGA: Mr. Chairman, I rise to oppose the motion before the Committee, because I feel that the welfare work that is being done, whether wrongly or badly, is on behalf of my people. At the same time, I must confess that it seems to me a roundabout way of doing things. We have already been told that the thing behind this is the need for personal contact and the need of education of the masses which is needed among the Africans, but if we are going to achieve the educational ends it is wrong to try to do it in this roundabout manner. At the same time, as I have said, although this is a roundabout way, it is going to do something for the people which they need, and for that reason only I oppose the motion.

MR. MADAN: Mr. Chairman, if I may say so with respect, the remarks made by the hon. Chief Native Commissioner have created an impression on my mind and I therefore oppose this motion. No

one will deny that district officers should keep in the closest possible touch with the people they have to look after, but if they do not do welfare work that does not necessarily mean that they will not keep in close touch with the people. I think the mistake we are making is that we consider the African is on the same level of civilization as the European or Indian. Those hon. gentlemen who wish to support this motion must be considering that the African has got the same capacity to look after himself as the other people, but in my opinion the African yet has to be cast in the older civilization, and it will be quite a long time before he emerges from that successfully on the basis of living as we do or anything like we do. Therefore I feel that these welfare officers are necessary. I have some knowledge of the work administrative officers have to do, and I am satisfied that they do not have the time to attend to welfare work also. I am all for bettering the educational facilities for all races but that, of course, is always subject to other social services being looked after properly. Therefore I will not support the motion.

MR. MATHU: Mr. Chairman, like the hon. Member Dr. Rana it was not my intent to intervene in this debate at all, but I cannot allow to go on record in the Hansard of the Council the remarks made by the previous speaker, the hon. Member Mr. Madan. I disagree entirely with his remarks as to the capacity of the African to look after himself, and I say that that is based on entirely wrong premises, and he has not shown Council that in comparison with other races the African is of too low a capacity to look after himself.

MR. MADAN: On a point of explanation, I did not say that, I said he has not yet developed properly.

MR. MATHU: I wrote down the exact words of the hon. member. He speaks very slowly, and I could take them down but, taking his explanation, I still would not agree with him. What does he mean that the African has not developed properly? It has no meaning. I do not want to prolong the debate but to put on record that no African would agree with the remarks of the hon. member.

The motion of the hon. Member for the Coast does not suggest any inclination of the cost. His motion is to

[Mr. Mathu] reduce the item by £1,830; in other words, he is opposing the increase of welfare officers from 8 to 10. Therefore, even if the African has no capacity, he will have 8 officers to develop his capacity in any case. Therefore I do not think the hon. Member for the Coast is unreasonable. It is a reasonable motion, and supports the criticism hon. members made last year in Committee of Supply.

I move very often among people throughout the Colony, and since the appointment of these officers I know what has been done by them and what has been left undone by them. The question is one of reducing by two the number of these officers and, if necessary, we should increase the district officers to continue contact with the people, not only in the courts where they hold trials, and in native tribunals, but in the social halls. That is, I think, an argument which strengthens the case for the hon. Member for the Coast. I am not anticipating that he proposes to delete the whole of the social organization. I am only dealing with this particular item, and I say that the remarks by the hon. Chief Secretary are extremely convincing, and I should like to congratulate him on the way he put his case. There is no doubt about it that he made the remarks most definitely, but in view of some of the remarks that were made last year, and I deal with other remarks of the hon. Member for Central Area, I will support the hon. Member for the Coast's motion.

MR. RANKINE: Mr. Chairman, surely the hon. member who has just spoken, just because of remarks which may have been made on the other side of Council which may possibly result in persuading him to vote against what another member has said, would be in the interests of the African, I hope he will not be persuaded on those grounds. There is one other point which I would like to put to my hon. friend the Member for the Coast before he actually goes to the division, if there is a division on this. He has moved the deletion of the whole of the increase. I know that his purpose was to prevent an increase in staff, but I am sure he would not wish to diminish the normal increments to the existing staff, so perhaps he would like to modify his motion by £200 or £300 to allow for that.

MR. COOKE: To reduce item 11 by £1,500, if I may be allowed to amend the motion.

THE CHAIRMAN: The motion before the Committee is to reduce item 11 by £1,500.

MR. JEREMIAH: Mr. Chairman, last year in speaking to the same motion I opposed the motion about deleting the items for welfare officers. My reasons were at that time and at the present time that we have not got enough of these people, and I suggested that to have those welfare officers would be very necessary in order that they might train the African to take more responsible work on these lines. But I am sorry, sir, to say that it appears that nothing has been done on that line, that of training the African to the position of welfare officer. The work done has been to increase welfare officers, and for that reason now I am supporting the motion for a reduction.

MR. HAVELOCK: Mr. Chairman, this whole debate is more or less a repetition of the one we had last year.

THE CHAIRMAN: I am afraid that is unavoidable.

MR. HAVELOCK: Last year the point raised by members on this side of Council, the main point that has been raised again, was that we considered that the development of welfare officers should be an integral part of the Administration, and so we have received an assurance from the hon. Chief Secretary that, though they are working under district commissioners, which I know is correct, they are still looked upon as specialists, and that is the point the hon. Chief Secretary made. I believe that it is very unwise to set up a group of specialists of this sort, specializing in social welfare, because there is no doubt at all that will give the idea to the ordinary administrative officers that their job is not social welfare, that there are specialists to deal with it, and that is the dangerous thing, I believe, in the present set-up.

I would refer to remarks made by the hon. Attorney General last year in a debate on the same subject. After making the point that the Administration was very short of men and it is difficult to find recruits to the Administration, he went on "... therefore I would suggest to

[Mr. Havelock]

this committee as an expedient, which perhaps the hon. Chief Secretary will endorse or not, that it should leave this vote for this year—the vote being the welfare officers—and that there should be a conference with Government to see what can be done to secure that these posts are eventually taken over by the Administration, as seems to be the wish on the other side of the Committee. That, sir, is still my wish that these posts should be taken over completely by the Administration, if necessary by district officers on a lower scale, and for that reason I support the motion.

MR. DAVIES: There are one or two points I would like to reply to. One thing is the hon. Member Mr. Jeremiah said that African welfare workers do not appear in the estimates. That is true. There are 58 welfare workers, but they are paid by local native councils.

There are one or two other points I must try to answer. I do think that this is a human job these welfare officers have got to do, and we must have continuity in the district. I have already said I think they should know the language and that is extremely important. We have district officers moved about from place to place, which I deplore as much as I know all hon. members opposite deplore, but it is a thing that is very difficult to alter, and we do want to have continuity of people to stay in districts and know their people, as this is a particularly human job. It is a job which inspires people. We have heard that the vote could be used better for education or for agriculture, or for making dams, or digging wells, but one of the functions of these people, of these welfare officers is to put those sort of ideas into the minds of the people so that they do it themselves of their own volition. That is a very important function of these people. I will not say any more, but I will oppose the motion.

MR. O'CONNOR: Mr. Chairman, I wish to endorse every word which has been said by my hon. friend the Chief Secretary; in what I thought was a most eloquent and constructive speech.

I do not think that it is possible to over-emphasize the importance of inculcating in the community responsibility, intelligent participation in public affairs, and a sense of responsibility and

a sense of service among all the inhabitants of this country. I agree with every word that he has said about the futility of approaching this topic from a merely negative point of view. As the member responsible for what are perhaps the most negative departments of all, Police and Prisons, I say that from my heart. We shall fail if we rely entirely upon a negative approach. If we do not put across our way of life and convince all the members of the various communities here and all the races including the Africans who, as the hon. Member Mr. Mathu, has pointed out are no fools and are perfectly capable of appreciating what is and what is not a good way of life, if we do not convince them by reiterated precept and by practice that our way of life is worth following, then we will have failed in the most important part of our administration here.

It seems to me that the point upon which the sides of Council are at issue is a very narrow one indeed. I think that what the hon. Chief Secretary has said, and what I have tried to endorse, is accepted on all sides, but it is merely a matter of method, whether these officers should be specialized officers or whether the tasks which have been outlined should be performed by the Administration as a whole. This Committee has heard from the hon. Deputy Chief Secretary that these district welfare officers are indeed part of the district staff and they are under this heading there—in the Administration item. They perform their duties, so far as I am aware, subject entirely to the control of the district commissioner, and it is only therefore this narrow point—whether these tasks should be performed by an officer on the district commissioner's staff who is specially acquainted with these matters or by an officer who is not—because I think it has been stated and I think it will be accepted that the district commissioner himself is too over-burdened to deal with all these tasks himself. That, to my mind, is the issue before Council, whether these very necessary tasks shall be performed by an officer on the district staff who is specialized in those tasks, or by an officer or officers who are not.

It seems to me that that should be capable of a reasonable solution. I would have thought on general principles that an officer who can devote his time and

[Mr. O'Connor]

his particular attention to the performance of these tasks and who, as we have heard, remains in the district for a considerable time and is not so subject to the changes and chances of posting as are the ordinary administrative officers. I would have thought he would be ably qualified to carry out those tasks, rather than merely leaving it to anybody to do.

Before I sit down I want to say I do hope the hon. Member Mr. Mathu is not going to vote out of a feeling of pique over what was said by the hon. Member for the Central Area. He rather indicated that he was, otherwise I should not have made the suggestion, but I do hope he will look at this very important subject from a broader point of view than that.

The hon. Member for Kiambu has drawn attention to a suggestion which I made last year, which was that there should be a conference between Government and all interested persons, to try and thrash out a solution of this and see whether, in fact, it was more desirable that these tasks should be taken over by the Administration or that they should be left to the Welfare Department. Speaking without the book I am unrepentant and make the suggestion again, and I really think it would be the best way of dealing with this project, but if that is not acceptable then I would oppose the motion for the reduction, because I think that it would be a retrograde course and that it would not be in the interests of this country.

MR. MATHU: Mr. Chairman, I only rise to clear up one or two points. As the hon. Members for Development and Law and Order have directed their remarks to me, I think I should make it clear that one of the reasons I referred to why I should support the motion was the remarks made last year. I did not say whose remarks they were. I am going to say that now. The remarks last year gave us the impression, the African members particularly, that one of the chief duties of the welfare officers was to spy on the Africans to make sure they were not communists.

MR. O'CONNOR: I think that the hon. member is referring to some remarks which I made. May I make it perfectly clear that I never said anything of the kind? I never said that one of the chief duties of the welfare officers was to spy

on the Africans and see that they were not communists. (Hear, hear.)

MR. MATHU: I accept that explanation. I was not actually referring to the remarks made by the hon. member. There were other members on this side of Council who made these remarks. I also said that we would like to see a genuine attempt to Africanize some of these departments which concern the African, and the hon. member Mr. Jeremiah did say that we hoped that in the Social Welfare Department we would have Africans. The hon. Member for African Affairs did say that there were in fact 58 welfare workers, paid out of Local Native Council's votes. We knew that, but as we are not discussing their estimates we did not refer to it.

What we wanted and what we do still want is something higher than a welfare worker paid by a local native council in order to get the confidence of the African in this department. We want some person higher up in the central organization, and the hon. Member for African Affairs would agree that the officers we are discussing now do not need to have an honours degree of either Cambridge or Oxford. We have men who could do this work and who could help the European officers to understand the working of the African mind. They would not have to learn the language, the African knows the language already. They can put across the material more effectively and quickly and convincingly than one who has just learned the language. We say that, in order to give Government the opportunity of discussing this matter later, they should see whether he cannot give the African a higher post in the organization. We are not reducing the service completely.

DR. RANA: On a point of explanation, I should like to know what are the special qualifications of these welfare officers. I thought district officers were people with B.A. honours degrees. What are the extra qualifications? Many of them, as far as my knowledge goes, they have not been out of the country. They have done no particular training. Could the hon. member tell us how many out of these ten have done special courses of any description in England or in any other part of the world, and what are the qualifications?

MR. MADAN: It seems to me that the hon. member Mr. Mathu has taken offence over what I said. I want to assure him that my remarks were not intended to be derogatory to the African. What I said came from an honest belief that these social welfare officers are necessary for the African and the Indian here.

MR. RANKINE: Two very short points. First of all, in reply to the hon. member Mr. Mathu, I can tell him straight away that there is not the slightest intention of using these welfare officers as spies on the African. Naturally, if the officer is to do his job properly, he has got to keep in touch with the African and find out what the African is thinking, but that is quite a different matter from spying on him for political purposes.

The second is this, that if I understood my hon. friend the Member for the Coast rightly, he wishes to reduce this vote because he believes that the work ought really to be done by district officers. We have pointed out the reasons why we thought the work should be done by these particular officers. We have not been able to find a happy term for them, but I think, if it is the wish of hon. members opposite, there is no reason why we should not delete the whole of the district welfare officers and increase the district officers accordingly, calling them "district officers (social welfare)" or something of that sort, if members prefer that method of approach. But as the hon. Financial Secretary pointed out last year, they do not run to the end of the scale and it would be necessary to provide a separate scale for them. Nevertheless, if that is the wish of the Committee, I think the Government could undertake to consider it.

MR. PRITAM: Mr. Chairman, I propose that the question be put now.

LADY SHAW: Just one word on this. I am not prepared to agree wholesale to what the hon. Chief Secretary suggested at the moment. I believe personally that this would be a far better method, a far better method, but we are increasing the district officers by ten now and we increased them by ten last year, and I believe the object of the Native Affairs Branch is to increase them ultimately to 150, but I am subject to correction on that. I believe that is so. (MR. DAVIES:

No.) That is what the previous Chief Native Commissioner said.

MR. DAVIES: On a point of explanation, there are 150—5, 4, 1 and 1, plus 139.

MR. COOKE: There seems to be a misconception. Even my hon. friend the Attorney General, who is usually so logical, seems to have fallen into that misconception. The point I tried to make is that we expect every district officer to be a welfare officer. We do not want any specialized district officers. For that reason I cannot accept the suggestion of my hon. friend; nor can I accept it for an even wider reason, that possibly a lot of these welfare officers are not suitable to be district officers, and it would be wrong to come to a decision on that proposal at the present moment.

There is one other misconception I should like to clear up, and that is regarding what the hon. member Mr. Mathu said. Of course, my hon. friend the Member for Law and Order never said any such thing. I raised this question last year in this Council, and said I hoped these welfare officers would not be used for such purposes, and my hon. friend, very rightly, if I may say so, said there was no intention of doing so. That is what led to that misconception. I do not think the hon. member Mr. Mathu is really being inconsistent, because he supported the hon. Member for Ukamba last on this question of welfare, so that the assertion that he is acting merely from pique this year would seem to be a bit off the mark, for that reason alone.

LADY SHAW: I was actually on my feet when I gave way to the hon. Chief Native Commissioner, and then having sat down I did not get a chance of getting up again! (Laughter.) What I really want to say is this. In my speech yesterday I suggested that this business of welfare officers was still in the experimental stage. I would very much prefer to keep these eight original ones, give them a run for their money, see what they do and how well they effect what appears to me, from listening to the speeches on the opposite side, to be almost a superhuman job, because the whole welfare peace and wellbeing of this country seems to hang on eight welfare officers, or possibly 10. But I do not wish to be facetious about that.

[Lady Shaw]

I do naturally appreciate the hon. Chief Secretary's point of view and all he said, and I think there is hardly one of us who does not subscribe wholeheartedly—not merely just giving lip-service—to what he believes to be the ideal object for all of us in this country, but I think we are not agreed that this can be achieved by the addition of a couple of welfare officers. That is what I very much hesitate to agree to. I do not agree to the increase of these welfare officers. I believe this service is entirely experimental and should remain experimental for two or three years at least. Therefore I support the motion.

MR. THORNLEY: Mr. Chairman, in reply to the hon. Dr. Rana, I would explain that these district welfare officers are trained and equipped for their jobs through the Jeanes School. They visit the Jeanes School from time to time for courses, and we heard earlier on this morning from my hon. friend the Chief Native Commissioner the wide range of subjects which are on the curriculum at that school. Now, this debate has ranged, as it did last year, far and wide; we have again had an interesting discussion on social welfare, and I believe it would be the general view of the Council that I should ask now, and I beg to move, that the question be put.

The question was put and carried.

The question that item 11 be reduced by £1,500 was put and negatived on a division by 19 votes to 17. Ayes, Messrs. Blundell, Chemallan, Cooke, Erskine, Havelock, Hopkins, Jeremiah, Keyser, Maconochie-Welwood, Mathu, Patel, Preston, Rana, Salim, Lady Shaw, Messrs. Usher, Vasey, 17. Noes, Messrs. Anderson, Cavendish-Bentinck, Davies, Deverell, Gillett, Hobson, Hope-Jones, Hyde-Clarke, Madan, Matthews, Mortimer O'Connor, Ohanga, Padley, Patrick, Pritam, Rankine, Rhodes, Thornley, 19.

MR. USHER: Mr. Chairman, if it is not too late, item 13, five Office Superintendents Accountants, new appointments. I have studied the memorandum on this subject and I still do not feel convinced of the necessity for these new appointments. We have allowed a large increase in the number of district officers, we have now been forced into the position of having to accept two further welfare

officers, revenue collection is no longer the pleasure and privilege of the district officer, labour problems are removed from him, and the activities of the technical departments are now dealt with by the officers of his team. If the hon. member Mr. Mathu has his way, and I agree with him entirely, the district officers would no longer have anything to do with judicial matters. Now it is proposed to deprive them of the elementary and reasonable duty of house-keeping. This is, I submit, an extravagance which would be well avoided. (Hear, hear.)

MR. BLUNDELL: I rise to support the motion. The hon. Member for Finance will remember that when I had finished speaking on agriculture—

THE CHAIRMAN: I am not quite aware what the motion is. Did you move anything?

MR. USHER: I beg your pardon, I beg to move the deletion of item 13!

MR. BLUNDELL: Mr. Chairman, I rise to support the motion. The hon. Member for Finance will remember that on the agricultural vote he told me that the basis of my suggestions was more expenditure and less revenue. Well, here at any rate is one item on which he could save some expenditure. I do wish to stress that fundamental point. All these things would be perfectly all right if we had a luxury Colony, but we have not. We have got a poor Colony. Every time you put a penny on to an item such as this—even on to the item we have just debated and voted on—you are taking that off other things which, in my opinion, and I think in the majority opinion on this side, are more vital to the immediate development of this Colony.

MR. THORNLEY: Mr. Chairman, I wonder whether the opportunity should not be taken to report progress and ask leave to sit again? I should like to move, sir.

MR. THORNLEY moved: That the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 10 a.m. on Tuesday, 20th December, 1949.

**Tuesday, 20th December, 1949**

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 20th December, 1949.

Mr. Speaker took the chair at 10.15 a.m.

The proceedings were opened with prayer.

### MINUTES

The minutes of the meeting of 16th December, 1949, were confirmed.

### ORAL ANSWERS TO QUESTIONS

#### No. 73—MKOWE JETTY

Mr. COOKE:

Will Government state whether the estimate for the extension of the jetty at Mkowe has proved to be inadequate?

If so, the further sum needed to complete the work?

And the reason why so inadequate an estimate was made?

SIR GODFREY RHODES: The answer to the first part of the question is in the affirmative.

It is not possible at present to give an estimate of the further sum needed to complete the work as a traffic and engineering survey, which may include borings, is involved, and this will be undertaken as soon as possible.

The original scheme allowed for the building of a short pier and for repairs to the old jetty head only. Subsequently it was proposed to extend the jetty 450 feet into deep water as the first scheme would not enable boats drawing three or four feet of water to come alongside at low tide. It has only been possible to build 200 feet of this pier with the sum provided under the original scheme.

Mr. COOKE: Mr. Speaker, arising out of that answer, is the hon. gentleman asking for this increased money to cover the increased expenditure?

SIR GODFREY RHODES: The position is that a survey will be made, and as soon as a case is made out we will put up the question of extra funds.

#### No. 78—ASIAN HOSPITAL COMMITTEE REPORT

DR. RANA (for Mr. Patel, absent):

Will Government please state: (a) when it is intended to publish the Asian Hospital Committee report; (b) what are the main recommendations made in the report; and (c) what steps have been taken so far to implement the main recommendations?

Mr. MORTIMER: (a) The Government did not consider it necessary to publish the Asian Hospital Committee report in full but did publish in the Press in May, 1948, a statement containing its main recommendations.

(b) The substance of these recommendations is—

(i) that before any system of hospital insurance for the Asian community can be introduced the first essential is to provide additional accommodation to raise the number of beds for Asians in public hospitals in the Colony;

(ii) that when reasonable progress with such a programme of hospital improvement and construction has been made by the Government, the Asian community should accept responsibility for the introduction of a scheme to finance and administer all Asian hospitals in the Colony, on the lines of the European Hospital Services Scheme.

(c) The Government has accepted the report in principle and is making progress with its hospital construction programme. The number of Asian beds in the Colony which totalled 121 when the report was written was increased to 166 in 1948 and to 180 in 1949. Improvements projected for the immediate future include the new Asian Group Hospitals at Mombasa and Nairobi, a new Mental Hospital, and accommodation for Asians at other centres throughout the Colony.

When this programme is sufficiently advanced, further consideration will be given to carrying out the second recommendation in the report.

DR. RANA: Arising out of the reply, may I ask the hon. member with regard to (c), where he mentioned a new mental hospital, if that new mental hospital is only for Asians or for all races?

Mr. MORTIMER: Unfortunately the need for a new mental hospital arises from all races in the Colony. It will be a combined hospital with provision for accommodation for all races.

Mr. MADAN: Will the hon. member state if the Group Hospital at Nairobi is ready? If so, when will it be made available to Asians?

Mr. MORTIMER: Unfortunately the Asian section of the group hospital is not yet ready. The plans are well under way, and it is hoped that the first stage of the building will be begun before the end of 1950. It is improbable that it will be ready for occupation before 1952, but every endeavour is being made by the Special Commissioner for Works and his staff to get on with this work, which has first priority.

#### No. 80—EXCHANGE BANK OF INDIA AND AFRICA

Mr. NATHOO:

(1) Will Government state if the commission appointed to investigate the failure of the Exchange Bank of India and Africa has completed its findings?

(2) If the reply is in the affirmative, will Government state if it is proposed to publish their report?

(3) If the reply is in the negative, will Government give its reasons?

(4) Will Government state if it is proposed to introduce legislation to ensure that such matters do not occur again in this country, and when this legislation will be brought before Council?

Mr. MATTHEWS: (1) The answer is in the affirmative.

(2) This report requires the most careful and detailed examination and Government is not yet in a position to decide whether or not it would be in the public interest to publish it.

(3) The answer to this part of the question does not arise.

(4) There is some reason to believe that the existing legislation needs to be strengthened. The Government has this question under consideration and should it appear that in fact fresh legislation is required, such legislation will be introduced with the least possible delay.

Mr. NATHOO: Arising out of the answer, will Government state whether those extracts from the report which are not contrary to the public interest could be published?

Mr. MATTHEWS: If Government decides there is any part of the report which will not be contrary to the public interest can be published, they will be published.

#### No. 81—RICE, SUGAR AND GHEE

Mr. MADAN:

Will Government please state: (a) what is the total annual production of rice, sugar and ghee in the Colony; (b) the quantities required in respect of each of these commodities to meet the normal requirements of the population per year; (c) imports from outside the Colony, if any, to meet such requirements and if Government has imported these commodities in adequate quantities to meet the normal requirements of the population; (d) if not, and what immediate steps are being taken to make up the deficiency; (e) if it is intended to issue supplies of rice in the near future in those areas of the Colony where distribution of this commodity was stopped suddenly about six months ago, to alleviate the distress of the Indian population of those areas whose staple food it is; (f) if it will consider issuing permits to traders who receive offers for the purchase of rice from outside countries; (g) if these commodities, or any of them, have been exported to other countries during the last and current years and, if so, to which country or countries and in what quantities?

Mr. HOPE JONES: Yes, Sir:—

(a) Rice—5,500 bags.

Sugar—10,873 long tons.

Ghee—17,372 frasilas.

These are the approximate figures in respect of the production coming under control during 1949.

(b) Rice—48,000 bags.

Sugar—36,000 long tons.

Ghee—90,000 frasilas.

(c) Rice—13,055 bags.

Sugar—25,664 tons.

Ghee—4,364 frasilas.

[Mr. Hope Jones]

The imports of sugar were sufficient to meet normal requirements apart from a temporary shortage pending the arrival of supplies of sugar from outside East Africa. The supplies of rice imported during 1949 have not been sufficient to meet local requirements owing to the fact that Tanganyika, which is the normal source of supply was adversely affected by severe drought, and that delays in obtaining supplies from elsewhere have been inevitable.

All available supplies of Ghee from Tanganyika have been obtained but these have proved insufficient to meet local requirements.

(d) This question has already been answered in part. Steps have been taken to increase the local production of all three commodities, but this has to a large extent been offset during 1949 by adverse climatic conditions.

(e) The Government has at present 1,700 tons of rice on order partly from the Belgian Congo and partly from Siam. As soon as sufficient stocks arrive, rice will be distributed throughout the Colony. Negotiations are in hand for further supplies to safeguard future requirements.

(f) It is in the public interest that the price of rice should be stabilised at the lowest figure and it is therefore necessary for the Government to average the price from importations from overseas.

(g) Six hundred and ninety-five bags of dog rice unsuitable for human consumption were made available for export by Arabian Dhows early in the year.

#### NO. 84—REBATES ON RAW MATERIALS MR. VASEY:

Is it a fact that secondary industry can gain relief from customs duties on imported raw materials used in local manufacture? If the answer is in the affirmative, can Government state the procedure that firms should adopt to ensure the consideration of their cases?

MR. HOPE JONES: As a result of representations made by this Council, the East Africa High Commission, in April, 1949, appointed an Inter-territorial Committee whose terms of reference included the following:—

"To consider what provision should be made for refunds or remissions of duty in respect of materials used in secondary industries and what safeguards against abuse are necessary."

That Committee has not, so far, reported on this particular matter, and in the meantime, this Government has authorized an *ex gratia* refund of Customs duty on raw and semi-processed materials imported for manufacture by one local factory. It is prepared, subject to the approval of the Standing Finance Committee, to consider similar applications from other industrial concerns, where it can be shown that the incidence of import duty on such materials makes the local manufacture uneconomical. Such applications should be addressed in the first instance to the Member for Commerce and Industry and should include a statement of the full economic background affecting the case in question.

No. 85

MR. NATHOO:

(a) Is Government aware that, owing to the fact that the Committee set up by the East African High Commission to examine the question of rebates on raw materials for local industries has not yet come to a decision, consequently local industries are all held up?

(b) If the reply is in the affirmative, will Government state what measures it is proposed to take so that Kenya can take an early decision in the matter and allow various industries to go ahead? (c) Is Government aware that representations have been made by one local industry for such rebates? (d) If the reply is in the affirmative, will Government state whether any decision is going to be taken in the matter and, if relief is given to this industry, whether similar applications from other industries will be sympathetically considered?

MR. HOPE JONES: The hon. member is referred to the reply already given to Question No. 84.

#### STANDING RULES AND ORDERS SUSPENDED

MR. O'CONNOR moved: That Standing Rules and Orders be suspended to enable the Guarantee (High Commission Railways and Harbours Loan) Bill, to

[Mr. O'Connor]

be read a first time, and the Eviction of Tenants (Control) (Amendment) Bill, the Increase of Rent (Restriction) (Amendment) Bill, and the Industrial Licensing (Amendment) Bill to be taken through all their stages.

MR. HOBSON seconded.

MAJOR KEYSER: Mr. Speaker, hon. members on this side of Council have often expressed their disapproval of Bills being taken under suspension of Standing Rules and Orders unless there is a case of great urgency. In regard to the present motion, I suggest to the hon. mover that the first Bill, the Guarantee to the High Commission, should be excluded and not taken to-day, because I should like a little more time myself as would other members on this side to consider this Bill before we debate it. I suggest that the sitting on Thursday might be a suitable date for the introduction of this Bill.

MR. MATTHEWS: Mr. Speaker, Government would have no objection to that course, but I would suggest that we take the first reading to-day and have the second reading on Thursday as the hon. member suggests. There is great urgency for this Bill, in that if it is not passed before the end of the year the terms of the loans to be raised by the Railway Administration will be seriously prejudiced. I do want to bring that point forward and, having made it, Government would have no objection to the second reading being taken on Thursday.

MAJOR KEYSER: That would suit us, Sir.

THE SPEAKER: Then I will put the question.

The question was put and carried. Standing Rules and Orders suspended.

#### BILLS

##### FIRST READINGS

On the motion of Mr. O'Connor, seconded by Mr. Hobson, the four Bills were read a first time.

#### EVICION OF TENANTS (CONTROL) (AMENDMENT) BILL

##### SECOND READING

MR. HOPE JONES: Mr. Speaker, I beg to move: That the Eviction of Tenants

(Control) (Amendment) Bill be read a second time.

This Bill is complementary to the Increase of Rent (Restriction) (Amendment) Bill which will extend the provisions of the Increase of Rent (Restriction) Ordinance, 1949, to people occupying houses owned by persons other than the owners of the land on which they stand. It was necessary in view of the amendment to the Rent Restriction Ordinance to make sure that the tenants of houses in certain areas in Mombasa who come under that Ordinance will gain protection against eviction under those circumstances which, in regard to Mombasa, at least in my opinion, form a social evil. I do not propose at this stage to speak at length on this Bill. I think that having explained its purposes the clauses, together with the "Memorandum of Objects and Reasons", are self-explanatory. However, if any hon. member wishes to raise any points then I or my colleague, the hon. Member for Health and Local Government, will do our best to reply.

MR. HOBSON seconded.

MR. USHER: Mr. Speaker, I merely wish to thank the Government for their prompt action in remedying an anomaly which has been worrying us all greatly. I beg to support.

The question was put and carried.

#### INCREASE OF RENT (RESTRICTION) (AMENDMENT) BILL

##### SECOND READING

MR. HOBSON: Mr. Speaker, I beg to move: That the Increase of Rent Restriction (Amendment) Bill be read a second time.

As the law now stands, premises on which the standard rent is in excess of Sh. 10,000 per annum and on which the landlord shall, after the commencement of this Ordinance, have recovered vacant possession under the provisions of this Ordinance, are exempted from the provisions of this Ordinance. Some time ago representations were made to me by certain legal practitioners in practice in Nairobi that as the law now stands it does create an anomaly. It was pointed out that some premises, of which the annual rental value was in excess of Sh. 10,000 and which were not rented at the commencement of the Ordinance and

[Mr. Hobson]

had never been rented, should really come under the same exemption. I consulted the other members of the committee who sat with me, as a result of whose deliberations the present law was enacted, and we all agreed unanimously that it was only fair that the law should be amended, as we now hope it will be if this Bill is enacted. That explains the reason for clause 2 (a) of this Bill.

With regard to clause 2 (b), the reason for that deletion has, I think, been explained by the hon. Member for Commerce and Industry in moving the Eviction of Tenants (Control) (Amendment) Bill. When paragraph (b) is deleted it will safeguard the owners or tenants of the houses referred to by him, not only from eviction but from increases in rent, and perhaps other evils which the Increase of Rent Restriction Ordinance is intended to cover. The Ordinance will then apply to such buildings as those which come under the definition of "dwelling-house" in the principal Ordinance. This amendment, I may say, is very urgently needed.

With regard to clause 3 of the Bill, this Amendment will, if passed, enable the boards to fix service charges in respect of watchmen, water and things of that sort, not only for furnished premises but for unfurnished premises. I may say that this amendment is suggested as a result of representations made to me by the deputy chairman of the Board, which has been experiencing a certain amount of difficulty in working the Ordinance because of the word "furnished" being present in that section.

Clause 4 seeks to amend section 13 (1) of the Ordinance. The relevant portion of that section reads as follows:—"A landlord may by notice in writing to the tenant increase the rent of any premises as follows:—(a) by an amount not exceeding 10 per centum of the standard rent of a dwelling-house or 20 per centum of the standard rent of business premises." It has been realized that that paragraph as it now stands lays itself open to the argument that those percentages can be put on to standard rents which have been fixed since the passing of the Increase of Rent Restriction Ordinance, 1949. That, of course, was never the intention, and the addition of

the words "as at the commencement of this Ordinance" to that paragraph does, I think, make it clear what was intended. That is say, these percentages can be added to standard rents which were fixed before the present Ordinance came into operation, which was I think, on the 6th September, 1949.

The amendment which is contained in clause 5 of the Bill corrects a very obvious error in the principal Ordinance, and needs no further comment from me.

The amendment which is suggested in clause 6 was placed there as a result of representations made to me by the deputy chairman. He tells me that a number of ignorant tenants are perhaps afraid to demand rent books, and that in some cases where they have demanded rent books the landlords have obviously been lying when they have told the boards that no such demand has been made, and he suggested therefore that the words "on demand" should be removed and that it should become compulsory for every landlord to give his tenant a rent book without any demand for it. Since this bill has been published, two of my hon. friends on the other side who sat with me on the Committee have pointed out to me that it may lay a good deal of hardship on certain landlords with whom their tenants are on perfectly happy terms, and also it does create another offence, and they think—and I agree with them—that there are sufficient offences already in the Ordinance. They have suggested to me that it would be a suitable amendment if boards were empowered to order landlords in suitable cases to give their tenants rent books. That is an amendment which Government considers with favour and, if with your consent, Sir, we may put the committee stage of this Bill off to a suitable time—tomorrow or the day after—I shall place my head together with those of my hon. friends and draft a suitable amendment.

Clause 7 merely makes clauses 2, 4 and 5 of this Bill come into operation on the 6th day of December, 1949, and thus gives them retrospective operation. I think the reasons for that are obvious.

MR. O'CONNOR seconded.

MR. NATHOO: Mr. Speaker, in rising to support the amending Bill, may I inform Government that during the work-

[Mr. Nathoo]

ing of the Rent Control Board over the last few weeks quite a number of difficulties have arisen and a number of anomalies have been encountered, and may I request that in the same prompt manner the Government will take an opportunity to put these matters right?

I had intended to move an amendment to clause 6 in the terms suggested by the hon. Solicitor General, and I hope that at the committee stage when we move that amendment Government will accept it.

MR. VASEY: Mr. Speaker, I should like to express also the thanks to Government of those members who served on the original committee for accepting the suggested amendment. I would just like briefly to place on record the main reason why some of us took this step of asking for the withdrawal of the amendment now suggested. That is, that in our original deliberations as a committee, under the chairmanship of the hon. Solicitor General, we did consider this. We found that if a statutory requirement were imposed there were so many African and Asian landlords and tenants who were illiterate, who would not fully understand the obligation imposed upon them or who would have to face extra expense through getting clerical assistance to keep rent books for them, that if inspectors enforced the law literally it appeared that the magistrates' courts would be choked with people who had committed a petty offence mainly through ignorance.

It is because of this that we as a committee originally refused to accept the suggestion now put forward, and because of that we adhere to it to-day.

MR. ERSKINE: Mr. Speaker, I should be grateful if the hon. mover when he replies to this debate would give me some clarification in regard to the proposed amendment to clause 2. I understand that the reason for this amendment is that there were landlords who have been in possession, though in the Memorandum of Objects and Reasons it says "vacant possession"—I suppose that is the position—have been in possession of their own premises, and perhaps trading in them, from the very beginning and have never rented them. Under this amending Bill it will now be possible for

those landlords to decide that perhaps they might at this late stage give up their businesses and let their premises. They will first of all want to know whether their standard rent exceeds Sh. 10,000 per annum. Well, a landlord who has never let his premises but has been in possession himself the whole time, would he know what the standard rent was, and if not and if he applied for the standard rent to be adjudged for his premises, on what basis would that standard rent be judged at this stage? Would it be on the old basis, or on any new basis?

I support the motion.

MR. HOBSON: Mr. Speaker, I am very grateful to the hon. member Mr. Nathoo and the hon. Member for Nairobi North for the support which they have given to this Bill.

With regard to the question asked by the hon. Member for Nairobi South, I have given this matter some thought and I can only suggest that such a person—he would not be a landlord because his premises would not have been rented—but such property owner would be entitled to go to the Rent Control Board and ask them to assess the standard rent of the premises, even although he was not renting them. As to the basis upon which that rental would be fixed, it is not for me to say, but such a person would be able to make whatever representations or submissions to the Board he thought fit, and the Board would then have to rule. But I would rather not say how the Board should rule at this stage.

The question was put and carried.

## INDUSTRIAL LICENSING (AMENDMENT) BILL

### SECOND READING

MR. HOPE JONES: Mr. Speaker, I beg to move: That the Industrial Licensing (Amendment) Bill be read a second time.

This Bill represents certain amendments in the original Ordinance which experience has proved to be necessary. The working of the Industrial Licensing Ordinance, as I believe I reminded hon. members when I moved the second reading of the original Bill, would undoubtedly necessitate amendments in the light of experience. There are two amendments which this Bill purports to bring into effect. First of all, it gives

[Mr. Hope Jones]

the Industrial Council power to grant a sole licence for a period of five years in approved cases. That sounds a somewhat drastic power, and it is. It is necessary for this reason. We found that under the original Ordinance it was not possible to refuse a licence to anybody, provided certain quite simple provisions were made. That, on the face of it, is an excellent provision and in nine cases out of ten would apply with happy effect, but in certain cases that is not the case: I could mention the case of a large-scale textile manufacturer, for instance. At the present time, under that Ordinance, two licences have been granted in East Africa. It might well be that various reputable firms could fulfil the conditions under the original licence, and the Council would then have no option but to grant further licences up to the number of 10, 12 or 15. Therefore the principal object of this amending Bill is to give the Council power to grant that degree of protection which will bring the industries to East Africa that we wish to see here and which, without that protection, would not come.

The second point is a comparatively simple one. It is to allow appeals to an appeal tribunal from those who feel their interests will be affected if an additional licence or licences are granted. It is necessary to provide for that type of appeal because at the present time the final word, under the existing Ordinance, is given by the exact body that grants the licence, and we feel that, in the light of experience, this is necessary.

This legislation has, of course, been to the Board of Commerce and Industry and, as the Board of Commerce and Industry does not appear as a vote anywhere in the budget, as apart from very small travelling expenses it costs the Government nothing, I wish to pay a tribute at this stage to the very fine work it has done not only on this Bill, but on very many others. The Board of Commerce and Industry, through me, commends this Bill to hon. members.

MR. RANKINE seconded.

MR. HAVELOCK: Mr. Speaker, when the principal Ordinance came before this Council I opposed it, and this amendment is merely to strengthen the hand of the Council as regards giving out monopolistic licences to industries which wish

to start up in this country. It was on that principle that I opposed the original Ordinance. I have a great objection to any monopolies being started in industries of any sort in this country or anywhere else, and I do not believe it is the right way to achieve efficiency. It has been said by the hon. mover that industry cannot be attracted here unless it is given this special security and special facility of a five-year licence with no competition. I believe that that is a negative attitude towards the very important subject of attracting industry and private enterprise to this country. I believe we could do very much better if we cleared our minds of this easy negative attitude and got down to providing cheap land, cheap water, cheap power, and all the facilities that we should offer industry to come here. I cannot understand what is meant by uneconomic competition, which is actually mentioned in the Memorandum of Objects and Reasons to this Bill.

I cannot think that any reputable firm which has been in commerce for any length of time will set up, or try to set up, an industry when they realize that there are already other industries serving the potential market. To my mind, it looks as if there must be many lunatics in commerce if they are going to sink money in things that are obviously not going to be economic and profit-making. For that reason I see no justification at all for providing this cushion for special people, this cushion of a monopolistic licence for at least five years and I beg to oppose.

MR. ERSKINE: Mr. Speaker, referring to the words of my hon. colleague the Member for Kiambu, as a matter of fact it does so happen that uneconomic competition can develop through some shade of either misapprehension, or frank lunacy, as my hon. friend has suggested, and there is necessity for protecting a firm which decides to open up in Nairobi. There is an example I can give, which at any rate was applicable, I think, before the war when the internal consumption of cement in this country was just below the minimum required for optimum production by the smallest factory for which machinery could be obtained. We were using, say 50,000 tons a year, and the smallest factory that could work economically would be one which produced 60,000 tons. There

[Mr. Erskine]

might be a moment where a firm in England, seeing the internal consumption in East Africa reach that optimum figure, would apply to start a factory here. But if it were not for the provisions of this amending Ordinance it is quite possible for a second factory to come along and be so confident of their ability to get all the available trade that you would have the absurd position of two factories each having to produce 60,000 tons of cement to pay their running costs and yet there is only available a market for 60,000 tons for the two. That kind of thing analogous has happened in my commercial experience, and I do therefore feel that this Bill deserves our support.

MR. NATHOO: Mr. Speaker, I rise to support the Bill before Council, but I have one observation to make. That is, that while it is desirable in many cases, when we want to induce new capital to come into the country to start new industries, care must be taken to see that this protection is not given one single day beyond the time when sufficient opportunity has been given a concern to establish itself by efficient working on a sound footing. In all cases where such protection is granted, due care must be taken to see that no privileges shall be shown and no undue advantage is taken of this protection.

I beg to support.

MR. HOPE JONES: Mr. Speaker, I would like first of all to try and reply to the points raised by the hon. Member for Kiambu.

First of all he is, of course, perfectly correct in stating that this Bill represents a strengthening of that aspect of the original Bill that he did not like. Unless I straight away admit his point, I would be trying to mislead him. Again there, I would try and put the point to the hon. Member, because I hope he will withdraw his opposition to this Bill. As I see it, these are the points in favour of granting this dangerous power, and I admit it is a dangerous power to put in the hands of anybody whatsoever. These are the reasons why in our peculiar circumstances at the present time they are necessary.

First of all, as the hon. Member for Nairobi South pointed out, quite apart

from the impeachment of lunacy on the part of businessmen, it is possible for uneconomic competition to arise, as the hon. Member for Kiambu knows very well indeed. It merely means some misjudgment of the position, misjudgment which is far removed from lunacy; it merely means a change in circumstances, it merely means changes in the availability of raw material, labour or machinery. There are all kinds of reasons why uneconomic competition can arise, apart from the efforts of a lunatic. Perhaps I am exaggerating the point he made, but there are explanations of economic competition other than lunacy.

However, there is in the peculiar circumstances of Africa a necessity for this power, and as I said when the original Bill was introduced, we want secondary industries here, we must have them if we are going to look after the increasing population and are going to increase the national income. For many years we have had the natural products of the soil. We have cotton in Uganda to mention one, a very good example. We have diatomite and kyanite, the mineral out of which firebricks are made, but none of these things we make in East Africa. Therefore we have to make manufacturing attractive to capital. As the hon. Member for Central Area said, and I hasten to agree with him wholeheartedly, this type of protection is not good in itself. It is a dangerous power that should not be exercised one day longer than it is necessary. We find in Kenya more and more—and I hope that will continue to be the case—that capital is coming here because they see an opportunity, that it is coming here because Government is making cheap land available and is doing its best to make water available and because cheap power can be available in areas where industry wants it in sufficient quantities to make development economic.

All these points the hon. Member for Kiambu raised, namely, land, water, power, and I entirely agree with every word he said. That is the proper way to bring industry here, and we must have it, and that is the way we are endeavouring to bring it here. When I speak in a later debate I intend to give further particulars about that, because it is of vital importance, but at this stage I can only assure the hon. member that I entirely agree with him and that we are

[Mr. Hope Jones]—  
Some other best to meet the requirements of industry.

The hon. Member for Kiambu asked what uneconomic competition was, but the hon. Member for Nairobi South gave some reply to this. I would venture to add a little further to that reply. Uneconomic competition in my understanding is this, that where pioneer capital—and I underline the word pioneer—comes in and by dint of courage and experimentation and enlightened self interest develops a new industry and at a price the consumer finds attractive, and I think that is important, manages to build a new market for its product, if, when all the know-how has been learnt, maybe after years of losses, after years of experimentation, I call it uneconomic competition when a bigger firm, with bigger capital resources, comes in, undercuts the original firm, eliminates it from the market, and then exploits the consumer who may be bribed by temporary lower prices which do not meet the full costs, and later exploits him by putting up prices through the power of uncontrolled monopoly.

That is not a fairy story, it happens all over the world every day. A pioneer comes in, later a big man with very large sums of money comes in, who can afford to make losses which a pioneer cannot without going bankrupt. The latter will undersell and eliminate the pioneer, and then have a monopoly, not one controlled by law but by "malefactors" with an uncontrolled monopoly power.

That is what I mean by uneconomic competition, and I think the hon. member from his very wide knowledge of these things will agree. I do not wish to detain the Council any further, but beg to move.

The question was put and carried.

Mr. O'CONNOR moved: That Council do resolve itself into Committee of the whole Council to consider the Industrial Licensing (Amendment) Bill clause by clause.

Mr. RANKINE seconded.

The question was put and carried.

#### Council in Committee

The Bill was considered clause by clause.

On the motion of Mr. O'CONNOR, the Bill was reported back to Council without amendment, and the report was adopted.

#### THIRD READING

Mr. O'CONNOR moved: That the Bill be read the third time and passed.

Mr. HOBSON seconded.

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

Council adjourned at 11.05 a.m. and resumed at 11.20 a.m.

#### COMMITTEE OF SUPPLY

##### ON CONSIDERATION OF DRAFT ESTIMATES OF EXPENDITURE FOR 1950

It had been proposed that Head 28, item 13, be approved.

The debate was continued.

#### Head 28—Administration

Mr. COOKE: Mr. Chairman, I should like to support the hon. Member for Mombasa in his motion.

THE CHAIRMAN: If no other hon. member wishes to speak I will put the question, that item 13 be deleted.

Mr. HYDE-CLARKE: I beg to claim the 15-minute rule on this point.

The debate was accordingly adjourned.

THE CHAIRMAN: Is there any other question any hon. member wishes to raise under this head?

Mr. HAVELOCK: I beg to move that item 16 be reduced by £5,000. There is no need to repeat the different arguments put forward for a reduction of clerical staff in the Administration, and that is the basis for moving this motion.

Mr. NATHOO: Mr. Chairman, while I agree, and I have said it before, that there is need for a reduction under this vote, I cannot possibly agree to any haphazard cutting of the votes of clerical staff, particularly when senior officers have been already appointed, and if they do not have the clerical staff we are being pound foolish and penny wise. Sir, I beg to oppose.

Mr. THORNLEY: Mr. Chairman, I rise to oppose the motion and I should like to say this. I think that all of us on this side do appreciate the difficulties that face hon. members on the other side when they get a budget of this size, which means the voting of a good lot of money.

[Mr. Thornley]—  
We do appreciate their anxiety to show savings where savings can be effected, but having said that I do find it extremely difficult to understand, after all the emphasis that has been laid by several hon. members opposite on the great need for the members of the Administration to be able to get about so as to know their people and to do the work which they can only do when freed from their office desks, the reasoning behind motions which seem to me to be designed to take away from these officers the staff which is required to do the work in their offices which, but for that staff, they simply must do themselves. For the reasons which have been eloquently urged by hon. members opposite, I oppose the motion before the Committee.

Mr. COOKE: Mr. Chairman, we have very logical reasons for the position we have taken up. Our position is that there are other factors very much more important than the so-called lack of bodies which militate against the district officer going on safari, and we feel that unless those factors are dealt with and got rid of the mere allocation of extra bodies will not in any way encourage officers to go out on safari. We think it is the whole system that is wrong. For that reason I am going to urge that the efficiency experts who are here at the moment should go into the organization of the Administration, because we feel that by proper organization in the Administration, and in the offices of the Administration especially, there would not be so much need for so many administrative officers, buttressed as they have been in recent years by welfare officers, financial officers, and so on.

Mr. HAVELOCK: There is one point which I apologise for not making when moving this motion. If hon. members will remember, during the last budget debate I raised the question of temporary clerical assistance rather insistently, and this particular item of £10,590 has been transferred, according to the memorandum, from temporary clerical assistance to permanent—"6 Clerks (Asian) Scale B". This entails, of course, a large increase in our pension commitment and the memorandum merely says: "Many of these clerks have been on temporary terms for many years and it now seems certain that this number of posts will be required permanently". I suggest that

that explanation is very unsatisfactory. Why should temporary clerks be transferred to the permanent establishment just in one year, and no real reasons given? I understood during the debate last year that much of this temporary clerical assistance was required for temporary work, but now, seemingly, all temporary work has become permanent. That is one of the main reasons why I wish to move a reduction in this vote.

Mr. DAVIES: Mr. Chairman, the first thing I should like to say about this vote is that it has actually been reduced. The clerks (Asian) last year, the permanent ones, were £39,343, and temporary clerical assistance was £10,985. As the hon. Member for Kiambu has said, a number of that temporary clerical staff has now been absorbed into the permanent staff, but the total is actually less than it was last year. The total expense last year was just over £50,000 and now it is £49,700.

I can only say that the work in the districts has increased enormously over the last few years, and I think that reference to the African District Councils Bill will show the enormous amount of work which is now undertaken for local government, which is, after all, looked after very much by the district Administration. If you look at clauses 20, 21 and 22 of the African District Councils Bill, you will find most of the things which the Government and local government, and the central Government, now take notice of and have to do in the districts, a very large number of those things make for more work in the central district headquarters, and I do not think you can get away from it. Take clause 20, which covers the maintenance of roads and bridges—good enough, that has been going on for a long time—the establishment, regulating and control of markets, market buildings. That means the market has got to be laid out. Who lays it out? It has got to be measured, leases arranged and rents fixed, and all that sort of thing, which involves not only the district officer getting out to do the job, but a lot of clerical assistance behind it.

Mr. HAVELOCK: On a point of order, is the hon. member referring to the Bill which is before the Council, or the African District Councils Ordinance? If he is referring to the Bill which is to



[Mr. Havelock] come before the Council, is the hon. member in order?

THE CHAIRMAN: If he is referring to legislation that is about to come, it is out of order in Committee of Supply. There are plenty of other points which have been raised which the hon. member can refer to. (MR. COOKE: Perhaps he has not got any others.)

MR. DAVIES: I will talk, then, about the size of a district and what goes on in a district. We have one district with 633,000 people. Those people are becoming more and more sophisticated. As I tried to show, under the existing Native Authority Ordinance a tremendous lot of work is done by the councils in the districts, detailed work, which is going to be added to. In one district I have referred to which has 633,000 Africans, you have about 17 chiefs, you have agricultural officers, veterinary officers, livestock officers (UNOFFICIAL MEMBERS: Welfare Officers?) (MR. COOKE: Foremen?) Foremen, yes. You have doctors and nursing sisters and a large white staff. That white staff has got to be held together, and the more white officers you put into a district the more work. (UNOFFICIAL MEMBERS: Hear, hear.) Now, Mr. Chairman, I do not know whether my hon. friends wish to withdraw all these people from the districts and leave them perhaps to one district officer in charge, but if we are to administer and progress in these districts, we have to staff them. I know there is a large amount of staff, but compared with the numbers of Africans, who are getting better and better educated—(MR. COOKE: Make use of those Africans.) We are making use of them. We have assistant administrative officers and a large staff of Africans also, but all this work in the field involves work in the district headquarters, as my three hon. friends opposite who have served in the districts themselves know full well.

MR. HOPKINS: Sir, I would just like to point out that we have already tried to explain that the best way to cut down the clerical work in the districts is to abolish the provincial teams.

MR. USHER: Sir, may I just add to what my hon. friend the Chief Native Commissioner has so eloquently said for us—in one word—in order to persuade any members who may be able to exercise their votes by pure reason, not be-

cause of their position—that is, that it has so often been found in the fighting services in the last war and is being found elsewhere now, that the cure for difficulty in getting through the work is not the addition of staff. It may be if the staff is below a certain minimum, but it is not necessarily so. On the contrary, the addition of staff makes confusion worse confounded. (Hear, hear.)

MR. MATTHEWS: Mr. Chairman, I understand that the objection raised by the hon. Member for Kiambu is, in fact, to the transfer of temporary staff to the permanent establishment.

MR. HAVELOCK: One of the objections.

MR. MATTHEWS: It is the usual practice in the administration in Government that where there is an increase of work it is the usual practice to take on staff on temporary terms, the idea being perhaps that the work may not prove to be permanent, and therefore it is up-sound financially to enter into a permanent commitment on staff in respect thereof. When it is seen as quite certain that that work is going to be permanent and, in fact is still increasing, I submit that it is quite unjust to keep that staff on temporary terms. They have no rights beyond their ordinary pay and they have not got the rights of permanent personnel, and yet they are in fact engaged upon permanent work, and I think Government as a just employer of personnel should not carry on that staff longer than is absolutely essential on temporary terms, and that is why in this particular case the staff has been so transferred to permanent terms.

MAJOR KEYSER: Mr. Chairman, I think there is a lot in what the hon. Member for Finance has said, but my recollection in the past of this particular item of the temporary staff was that we were told that they were temporary because the work was temporary, and I think the reason given was the large number of Africans coming back from the war. Well, I presume they have finished their work for the large number of Africans coming back from the war. They were put on other jobs, and as the hon. Member for Mombasa says, as soon as you increase staff you create more work. More work is created and there is necessity for keeping them on. Had they been discharged when the temporary work for what they were engaged had

[Major Keyser] ceased, then the extra work would not have grown.

MR. COOKE: The hon. gentleman, the hon. Financial Secretary, has distinguished himself at the university—he was at the London University when I was there myself—but there is something wrong with his logic, because he has assumed these extra workers are necessary. That is an assumption which we do not accept, therefore we are proposing this reduction in the vote. We do not accept the assumption that these temporary clerks are necessary to put on to the permanent staff.

THE CHAIRMAN: The quarter of an hour which was claimed on the last question has now elapsed and I will put the question—the motion that item 13 be deleted.

The question was put and negated on a division by 17 votes to 14, one not voting: Ayes, Messrs. Blundell, Chermallan, Cooke, Havelock, Hopkins, Jeremiah, Keyser, Maconochie-Welwood, Mathu, Nathoo, Preston, Lady Shaw, Messrs. Usher, Vasey, 14. Noes, Messrs. Anderson, Cavendish-Bentick, Davies, Deverell, Gillett, Hobson, Hyde-Clarke, Matthews, Mortimer, O'Connor, Padley, Patrick, Rana, Rankine, Rhodes, Salim, Thornley, 17. *Did not vote*, Mr. Madan.

THE CHAIRMAN: We still have the question before us of the reduction of item 16 by £5,000.

MR. HAVELOCK: One point I would like to make on this. It is that I have only moved the reduction by £5,000, which means that we on this side of the House consider that £5,000 worth can quite rightly be transferred to the permanent staff, but we cannot see why in one year £10,000 worth is necessary to transfer to the permanent staff. I would like to point that out to the hon. Financial Secretary who has been speaking on that point.

The question was put and a division was called.

MR. USHER: On a point of order, is the hon. member who was not present when the question was put entitled to vote?

THE CHAIRMAN: I cannot answer a problematical question of that kind. Will

the hon. member mention the member he is referring to?

MR. USHER: I am referring to the Member for Commerce and Industry.

MR. RANKINE: Mr. Chairman, surely any hon. member is entitled to come in and vote so long as he was present when the division was taken.

MR. COOKE: He does not know what he is voting for.

MR. O'CONNOR: Does not the objection also apply to the hon. Member for Nairobi South?

MR. ERSKINE: If I may give as an analogy, I was in the smoking room waiting for the divisional bell!

THE CHAIRMAN: We have no lobbies, nothing of that kind, and we cannot have any procedure based upon analogy with any other rule or any other practice. What we have is a system by which names are called, and if the member is present to answer to his name, "Aye" or "No" or "Not voting", then I conclude he is entitled to speak. (Hear, hear.)

MR. COOKE: Is the hon. Member for Commerce and Industry aware for which item he is voting—13 or 16?

THE CHAIRMAN: We have passed on from the point of order and the division will continue.

The question was put and negated on a division by 20 votes to 14: Ayes, Messrs. Blundell, Chermallan, Cooke, Erskine, Havelock, Hopkins, Jeremiah, Keyser, Maconochie-Welwood, Mathu, Preston, Lady Shaw, Messrs. Usher, Vasey, 14. Noes, Messrs. Anderson, Cavendish-Bentick, Davies, Deverell, Gillett, Hobson, Hope-Jones, Hyde-Clarke, Madan, Matthews, Mortimer, Nathoo, O'Connor, Padley, Patrick, Rana, Rankine, Rhodes, Salim, Thornley, 20.

MR. HAVELOCK: Item 27. It is included in the items that have been moved, I believe, sir. I beg to move that this item be reduced by £3,000, that is by three-quarters.

I understand this particular administrative service course is for cadets who are to join the Administration, and other hon. members on this side of Council who have more experience of the administration, who have been through the mill themselves, will probably add more detail to this motion. I believe that

[Mr. Havelock] in these times when we are striving for economy this course is an extravagance; anyway, I believe that the course as it is planned and as it is carried out at the moment is an extravagance. I believe that with a reduction in the length of the course to something in the region of three or four months—and personally, though I may not be supported by all hon. members on this particular point, I think that a course carried out in this country rather than in Britain would be much better as a medium for training. In the matter of language I understand that cadets are taught to speak Swahili on this course, and I would suggest that it would be very much more practicable to teach them the language when they arrive in this country, rather than in Britain. A very responsible person told me the other day that as regards India there is a certain course for Indian Civil Service personnel and they were taught the language in Britain, and when they arrived in India it sounded as if they were speaking English. They could not make themselves understood at all because the way they were taught was presumably high falutin', if I may use the term. In general, I believe this is an unnecessary extravagance and I beg to move a reduction.

Mr. USHER: I beg to support the motion. It is a fact that before the present African tropical services course was instituted there was a three-months course. I myself endured such a course. At the end of it I was a lawyer in both English and Mohammedan law, an accountant, so far as colonial accounts were concerned, a tropical hygienist and expert in tropical agriculture, a surveyor up to and including plane tabling, an anthropologist and a phrenologist. (Laughter.) We did not learn languages and we did not learn any colonial history. We have learnt some since, sir. I am told by members of the Administrative service, who have had the advantage of the longer course, that they have had the time of their lives on that course, and I do not doubt it. All I say is that I looked back through the estimates the other day and I saw that before 1923 there was no provision that I could trace, and that in 1923 the provision for this course was £200. It is now what hon. members see—£4,000. I agree with my hon. friend, the Member

for Kiambu, that it is an extravagance which we should seek to curtail.

Mr. HOPKINS: I would like to say that a criticism I have heard of this course by those who have been through it is that it is not sufficiently regional. What I mean by that is that officers who are coming out to the east coast spend more than half their time at lectures listening to what is done in the west coast, officers that are going to Hong Kong have still more time which they have to spend listening to talks about Africa, which really do not interest them. All the officers that I have spoken to have said that they thought the essentials could be accomplished in something like three months. Then if it were found necessary it might be a good thing to send people back again for another three months later on when they had had some experience in the country in which they were due to serve.

Mr. DAVIES: This course is still in a fluid state. I personally had the nine months course. My hon. friend the Member for Mombasa had a three months course.

Mr. COOKE: He might have been Chief Native Commissioner if he had done the nine months!

Mr. DAVIES: Which only goes to show! Mr. Chairman, the point upon which I back these courses very strongly is the matter of language, and on that point I would have thought that my hon. friend, the Member for Aberdare who speaks about four of them very well, would have supported. The fact is that now we have cadets coming out who have passed—some of them passed the written part of Standard Swahili and who take the oral Swahili very quickly afterwards, and they are able to teach higher Swahili in about a year. With all due respect I very much doubt whether my hon. friend, the Member for Mombasa, though I know how high his attainments are, was able to do that so early. I do think a knowledge of language when you come out here is extremely valuable, and I also think—

Mr. USHER: On a personal explanation I did it in 18 months.

Mr. DAVIES: On the question that much time is taken up with the study of West Africa—Africa is a vast continent and its problems are very much

[Mr. Davies] the same, and I think it is quite a good thing to know what has gone on and what is going on in West Africa if you are going to administer East Africa. Mr. Chairman, I oppose.

Mr. RANKINE: Mr. Chairman, I would like to say a few words on this subject because it is a matter to which I have given very serious thought, and I had long discussions the other day with one of the people in England who is largely responsible for organizing these courses.

The course has been criticized on the grounds first of all of its teaching of language. Well, the great advantage to my mind of learning the language at home before you come out is first of all to have some basic grounding, so that when you arrive in the country you do not start from scratch. I think it will be agreed that there is a very great deal in the syntax that one can learn with advantage at home. But it is not suggested that that is the sole basis for the course. While the officers are doing the course they can with advantage learn the main structure of the language, and that gives them a start when they arrive.

But what I attribute as the greatest advantage of the course is the basic work—that is, in law, colonial history (particularly constitutional history), in agriculture and economics, and matters of that sort. A very great deal of that is basic, and whether the bias put on the course is based on what is done in the west coast or what is done in the east coast, or what is done at Hong Kong at present I do not know, but it certainly was not the case when I took the course myself. I found that course of the very greatest advantage, and, as I have said, the basic training that I received on that course has been of advantage ever since.

I think there is a very great deal of value that can be given to our cadets at home before they come out here. I think all hon. members will certainly agree that it would be disastrous if we had placed the Kenya cadets at a disadvantage with those of other territories. I do not mean that that is in the matter of competition at all—I merely mean that when they come here we ought to seek to get the best and to have our

people trained to the very best advantage. I certainly would regard any reduction in this course as a very retrograde step. As the hon. Chief Native Commissioner has said, the actual items to be taught are being examined all the time, and if anyone has any suggestions as to the way that course can be improved I should only be too glad to hear them, and Government will certainly consider them, but I hope that course will not be in any way reduced.

The question was put and negatived on a division by 20 votes to 13. Ayes, Messrs. Blundell, Cooke, Erskine, Havelock, Hopkins, Keyser, Maconochie, Welwood, Nathoo, Preston, Salim, Lady Shaw, Messrs. Usher, Vasey, 13. Noes, Messrs. Anderson, Cavendish-Bentick, Chemallan, Davies, Deverell, Gillett, Hobson, Hope-Jones, Hyde-Clarke, Jeremiah, Matthews, Mathu, Mortimer, O'Connor, Padley, Patrick, Rana, Rankine, Rhodes, Thornley, 20.

Mr. COOKE: Item 30. I merely rise to ask why, with the great increase in the police force and with the fact that Kenya police are taking over a number of native areas, there should be a large increase, or an increase in tribal police under this vote and subsequent votes.

Mr. DAVIES: Mr. Chairman, I have already spoken about the work of the tribal police, and I did endeavour to show that although police are going into the native districts more and more the work of the tribal police very largely remains. We have given an assurance, and continue to do so, that where we can we will reduce the numbers of those tribal police. I would suggest this is no moment to try to reduce the numbers of those tribal police. The expenses of tribal police under item 30, which the hon. member has raised, are expended upon uniform, blankets, mosquito nets, all those kind of things, and I am afraid if my hon. friend went round those districts and saw the deplorable state of the appearance of the tribal police in those areas alone he would have little doubt that expenditure on this item was necessary. The increase of expenditure is largely due to the fact that the cost of all these things has gone up. I will not say any more.

The question that items 1 to 30 be approved was put and carried.

MR. DAVIES: I beg to move: That items 31 to 61, Provincial Administration, Nyanza Province, be approved.

MR. HAVELOCK: Mr. Chairman, may I ask a question on item 39. Is this particular sum of money, £1,000, reimbursed by the tribe in question? The memorandum says "... the establishment in North Nyanza of a special tribal police force to cope with the disturbed conditions obtaining there". I believe there are powers to make the peoples concerned pay for extra police of this sort, and I want to ask whether this item is reimbursed in any other part of the estimates by the tribe.

MR. MATHU: Mr. Chairman, I wanted to ask a question connected with item 35, chiefs and headmen. I notice there that you have not got the establishment because there are no numbers; secondly, are they pensionable? There is nothing to show that any are pensionable at all.

MR. DAVIES: Mr. Chairman, on the point raised by the hon. Member for Kiambu, the special tribal police force asked for under item 39. There is no reimbursement for that. These police were called for entirely because of the troubles that arose from the activities of the people who followed a belief called Dini ya Msambwa. On the point raised by the hon. member Mr. Mathu, I am sorry there is no establishment here. I could get him the figures if he wants to see them. Chiefs are pensionable if they are Grade 1.

MR. MATHU: Does it mean that under 35 none of these chiefs are in Grade 1, because if they were I should need to know how many there are?

MR. DAVIES: May I give that information later?

THE CHAIRMAN: I do not suppose the hon. member wants to divide on it!

The question was put and carried.

MR. DAVIES moved: That items 62 to 92 be approved.

MR. JEREMIAH: I rise to ask a question on items 64 and 65. Under item 64 there were two African telephone operators, but now there is only one—may I know the reason for the reduction?

MR. DAVIES: The answer to that question is that one of the African telephone operators is now taken on as a

clerk and the other operator is for the provincial office.

MR. USHER: Is it in order to ask a question on a previous item? I was not quick enough—item 62, temporary clerks?

THE CHAIRMAN: There is no motion on any of these items.

MR. USHER: I notice in several cases "temporary clerks, European". I should really like to know whether they will appear as permanent next year?

MR. DAVIES: I regret that my name is not Elijah!

LADY SHAW: In that connexion may we know whether these clerks are engaged on temporary work or permanent work or work that will become permanent? You need not be Elijah to know that.

MR. DAVIES: One of these two temporary clerks is secretary to the Provincial Commissioner, Nakuru, and one is secretary to the District Commissioner.

MR. BLUNDELL: Am I right in assuming that the Provincial Commissioner and District Commissioner are temporary? (Laughter.)

The question was put and carried.

MR. DAVIES moved: That items 93 to 120 be approved.

LADY SHAW: I would like to propose the deletion of four temporary clerks, European, item 93, £1,420.

MR. PADLEY: On this point—although I must confess that I am not quite certain because it is impossible to be certain about a detail of this nature—the answer probably is that the clerks referred to here are married women who cannot occupy permanent posts, and therefore must be shown as temporary.

LADY SHAW: Is it proposed that the posts will continue to belong to married women, my point being that so long as they remain married will the posts belong to married women? Obviously they will remain temporary, but are we going to have these posts perhaps occupied by married men?

THE CHAIRMAN: We cannot anticipate next year's budget!

LADY SHAW: Then I will move the deletion of the item. We have already been told there are extra accountants

[Lady Shaw] and extra everybody else, and I should like to see the temporary secretaries to the Provincial Commissioner and District Commissioner removed.

MR. DAVIES: Mr. Chairman, on the point whether they remain married or not, I am afraid I cannot say. These clerks are usually recruited from people resident in these district stations. They are in the nature of confidential clerks. They have the educational background and are, extremely valuable. There are many things nowadays which arise in district offices for which confidential clerks are necessary, and I would impress on all hon. members that these people are of enormous value in the district set up.

MR. ERSKINE: I am still a little in the dark in regard to these four temporary clerks. We know that they are possibly married women and are confidential—(laughter)—and we also know their salary. But what we have not been told is what they actually do, because I think that is important. If they are as I suspect shorthand-typists, I know from my own experience that one cannot run really efficient offices without shorthand-typists. I would be grateful for some indication as to how they are employed, because without that it is not possible for me to take an intelligent interest in the proceedings of the Committee that I should like take, or even to vote.

MR. DAVIES: I regret to see the use of these high-sounding terms "confidential secretaries" for what are in fact shorthand-typists who come in and assist in exactly the same way as every efficient businessman has a shorthand-typist.

LADY SHAW: I wish to withdraw my motion, but I regret that it is costing us £295 more this year than last.

The motion was with leave withdrawn.

The question that items 93 to 120 be approved was put and carried.

MR. DAVIES moved: That items 121 to 160 be approved.

MR. JEREMIAH: In supporting the motion I am sorry to say that I have got to repeat what I said last year in regard to African assistant administrative officers. We at the coast are hoping that by next year we shall have one appointed, and I am wondering whether

Government can tell us why one has not been appointed before.

MR. VASEY: Mr. Chairman, I think the hon. member is trying to point out that in the case of the Coast Province estimates there is no provision for an African administrative officer and considers that such provision should be made. I personally would like to agree with him.

THE CHAIRMAN: Under which head or group of items do African administrative assistants come?

MR. HOPE JONES: On a point of order, as this item does not appear in the items that we are discussing, is it in order to discuss it?

MR. VASEY: On a point of order, when dealing with the estimates for the Coast Province, is not the hon. member allowed to ask a question dealing with the Coast Province?

THE CHAIRMAN: Hon. members of the Committee have had adequate opportunity of discussing everything possible concerning Administration on the first group of votes raised, and I thought there was an understanding on the part of the hon. members that they should do so. If it was not raised on the group 1 to 30 then I do not think it ought to be raised now because it is a question of policy. It is out of order.

DR. RANA: May I ask for information about item 126, Coast Province, Personal Assistant to District Commissioner, a new post which has been created? As I said the other day my impression is that the work can be done by the district commissioner. Can he not look after the work, instead of being given a personal assistant?

MR. DAVIES: On this point, item 126, you will see that in item 127 there is a saving of £546. That is due to the fact that the other temporary clerk (European)—last year, although it is not shown in the 1949 establishment there were actually two, and one is now being called personal assistant to the district commissioner. There is no difference in the amount of money involved. The only difference is that she is entitled to that, and the reason for that is this lady who was doing this job is doing a lot of executive work and she does require some sort of standing. That is the only reason for that change in title.

DR. RANA: Is that a permanent post, Sir?

MR. DAVIES: The occupant of that post is on temporary terms.

LADY SHAW: I understood the hon. member, Dr. Rana, to ask whether the post is permanent?

MR. DAVIES: It is expected it will be but I cannot give a definite reply to that.

THE CHAIRMAN: It is not pensionable, it is not marked.

The question was put and carried.

MR. DAVIES: Mr. Chairman, I beg to move: That items 161 to 190, Northern Province, be approved.

The question was put and carried.

MR. DAVIES: Mr. Chairman, I beg to move: That items 191 to 211, Provincial Administration, Masai District, be approved.

MR. MATHU: Mr. Chairman, I should like to move a motion on item 198, that that should be reduced by £65 to bring it to £2,500.

My reason for doing this is that I want an opportunity of drawing the attention of Government to a very unsatisfactory state of affairs existing between the borders of the Kikuyu and Masai districts. I referred to Ndeiya, where Government has not been very strong in controlling the position and very frequently there is killing of the Kikuyu by some Masai. Only this month there have been three deaths. A Masai killed a Kikuyu on the 6th December, another one was killed on the 13th December and a further one was killed on 16th December—all this month. It is a story going back to 1943, and I have got a list here of these people who have been killed in that time. Between 1943 and this month 18 deaths have occurred in that region, and the Kikuyu round Ndeiya have asked me more than once to make representations on this matter.

They themselves have made representations more than once, and it was only last week when the Masai-Kikuyu committee met that they made very strong representations that something should be done, because they have the feeling that Government just looks at this like that, without really going at it hard to prevent these bad Masai—not all Masai, the bad

ones—going on committing these very bad crimes, and I would like to hear from the Government what they are going to do about it, because the Kikuyu cannot naturally be expected to continue to have patience all this time and we may get greater trouble if the Kikuyu decide to retaliate, if they feel they are not being properly protected by the Government. That is why I am moving this reduction by a very small sum of £65 as a sign of protest at the present state of affairs in that head.

MR. ERSKINE: I hope that my hon. friend Mr. Mathu will not think that I am seeking to be controversial—unduly controversial—in this matter, but I have noticed that both in the speech he has just made and in one he made on a previous occasion there appears to be some conflict between his view and mine in regard to the duties of the police. He has complained that the tribal police have not discharged their function properly and he has made it clear, I think, that he regarded their function in this particular case, as one of prevention of bloodshed possibly. On a previous occasion, if I recall rightly, he moved a motion to reduce a vote which provided police with the necessary weapons to do the very job which he complains now is not being done.

Now Sir, allusion was made on that occasion, if you remember to a police state. I do not want to be controversial, but I always regard the clear dividing line between the work of the civil police and the work of a military or quasi-military body—one is, if I may put it crudely, to hold people down so they do not cause trouble and murder each other, and the police side is to stand at a street corner and to catch the evil doer and generally to protect the children of the poor. I do not see how it is quite consistent of my hon. friend to criticize this particular vote, because he is making it clear that he wishes these tribal police to take what I maintain to be a more military action, rather than the normal police action.

MR. THORNTON: I would not like the Committee to believe that Government has not been very much alive to the troubles which have occurred, not only during the last few months but for some years, on the Kikuyu-Masai boundary. The Government is very well aware of

[Mr. Thornley] these troubles and has taken very definite steps to endeavour to keep the situation under proper control. For instance, I think during the last 12 months—it might be a little bit longer ago—just about that time, a special officer was appointed to the staff of the Officer in Charge, Masai, with the sole business of controlling the morans in the *man-yuttas*. Government has also seen to it that a road has been constructed in the region of the boundary between the Masai and the Kikuyu to enable proper police control to be made effective on the boundary. Government has also given directions during the last year or so that Masai grazing cattle shall not approach to within several definite distances to the actual border of the Kikuyu country.

We have done these things and I am not aware—neither is my hon. friend the Chief Native Commissioner—of the very recent incidents which my hon. friend Mr. Mathu has mentioned, but we shall certainly make inquiries into them, and if he will provide us with any further information which he has not given to the Committee in the course of his speech we will be grateful to him for letting us have it. We are very much alive to the situation to which he has drawn attention and I hope we have indicated to the Committee that in addition to being alive we have set about to try and do something to improve the situation.

MR. MATHU: Mr. Chairman, I just want to say in reply to the points raised by my hon. friend the Member for Nairobi South that I never suggested that there should be any military action in the matter. I think it is possible to control the state of affairs that I am talking about without any military action, and if I had wanted to suggest military action I would have suggested it, but I feel that it is definitely the duty of Government to put that right. In this particular case it is very much more so. I am not wanting to imply anything against the Masai generally—I want to make that very clear, because I am only referring to a few who have made it their profession to come into that particular part of the country and kill people. Those who check crime should get hold of them and see they are properly punished. It is only that aspect of

if I want to draw the attention of Government to. As I say, the recent cases that I have quoted were a matter for discussion by the district officers only last week with the Kikuyu-Masai Committee; so that members of the Government shall also know this I will provide further particulars which I have here.

In view of the points raised by the hon. Deputy Chief Secretary and the assurance that this will be taken seriously, to see that recurrences of this nature do not come in the future, I beg leave to withdraw the motion for reducing this item by £65.

The question of the items was put and carried.

MR. DAVIES: Mr. Chairman, I beg to move that items 229 to 277 be approved.

MR. BLUNDELL: I beg to move that item 229 be deleted.

In speaking to the motion I think this will crystallize the discussion which we had earlier on the district welfare officers. There was a very clear opinion on this side of Council that members did not approve of the expansion of those officers, and I should like to explain the viewpoint which we take up under this head. First of all, this officer deals with the whole field of human relationships, that is his main function, and I suggest that by allowing that to become a specialized subject we are in grave danger of removing the ordinary administration altogether from that sphere. Nothing would be more disastrous. I still agree with the hon. Member for Ukamba that the whole of this type of thing should be done by a normal administrative officer under the Chief Native Commissioner. We have expanded the ordinary administrative cadre excessively—perhaps not excessively, but we have expanded it exceedingly—and I fail to see why the duties which this Commissioner is putting down to his organization could not be carried out through the Chief Native Commissioner and his organization direct.

Now the hon. Chief Secretary, when he was supporting the district welfare officers, put up his point of view, and as I said at the time it was not that we disagreed with them—it was the method with which we disagreed. What I feel so strongly on is this—and I am going to speak on it constantly in this budget—

[Mr. Blundell]

We must have some realism in our expenditure. We are not a rich Colony, we are a poor one, and when I think that such vital items as research into agriculture, on which we have already dwelt, and overseas education for Europeans and Indians, for which there is no provision but a few bursaries, when I think that items like that are not touched upon, or only inadequately touched upon, I cannot see that it is right to spend as much as £15,000 under the heading of this officer. Therefore I believe by chopping off the head, as it were, the whole body will fall to the ground, and I take pleasure in moving the deletion of this item.

MR. DAVIES: Mr. Chairman, I have already endeavoured to show what this officer did and what his duties were. I have said already that he has to find out in the districts what particularly wants putting over to the African population. He has then to see that the Information Office produces that information in the right form.

MR. BLUNDELL: Are you sure it is going on?

MR. DAVIES: I hope so, Sir, and I cannot see how it could go on if his head were cut off. Having got that material he has got to see it is put across by the district welfare officers and by all the various agents of Government, whoever they may be. There are many of them as we have talked about teams, and the team consists of large numbers of people also in the field. Having done that he has to keep a close tie up with the Information Office—that is an office which is now under consideration, and his tie up with that office I suggest is a matter for consideration. I have no doubt that this social welfare organization has not reached its final form and will crystallize sooner or later, but what exactly that form will take I cannot say. The position of the Commissioner for Social Welfare, as I think hon. members know, arose from demobilization, and there was a period of two or three years when that was going on, and that demobilization job has largely been done and one of the consequences has been the set up of Centre "B", Centre "C", the Jeanes School, is a matter which I know hon. members discussed at length last

year, and for which I think there was great support. That is largely the conception of the Commissioner for Social Welfare, and he keeps an eye on it very much now and has, as I said before in this debate to sell the idea because it is a new one. I can only oppose this motion.

MR. ERSKINE: This new idea as it is called, social welfare—I should be very grateful if I could be advised now whether social welfare is definitely a branch of social science, and whether it is definitely an academic study, and whether the people who work in this organization have any particular training and knowledge, because, Sir, if the answer is in the negative then I do believe that in due course this branch will merge, this social welfare organization will merge, into the ordinary administration. If however, it is to be a function of Government, if social welfare is to be a part of our development programme from now on, if it is to become a definite science which needs studying and training, then it will become a specialized branch. Once again I say that I cannot make up my mind on this subject until I have some answer to the question I have posed.

MR. JEREMIAH: Could we be informed whether this department trains the African to undertake that social welfare work?

MR. DAVIES: There are courses for that particular object.

LADY SHAW: At the Jeanes School?

MR. DAVIES: Yes.

MR. HYDE-CLARKE: My sole purpose is to ask that this Committee should give hearing to what my hon. colleague, the Attorney General, proposed last year. There is a considerable feeling, obviously, in this Committee on the subject. We could go on discussing every aspect of social welfare till half way through January—I hope we will not have to do so. A motion was put up last year by the hon. Member for Law and Order and repeated this year, which was that there should be a discussion outside the walls of this Council on the subject, so that both sides could hear each others' views and get down to what is the desirable policy on the subject. I am going to say, Sir, that I beg to move that the question now be put.

The question was put and carried.

The question of the deletion of item 229 was put and negatived on a division by 20 votes to 12; 2 not voting: Ayes—Messrs. Blundell, Cooke, Havelock, Hopkins, Keyser, Maconochie-Welwood, Nathoo, Preston, Rana, Lady Shaw, Messrs. Usher, Vasey, 12. Noes—Messrs. Anderson, Cavendish-Bentinck, Chemallan, Davies, Devrell, Gillett, Hobson, Hope Jones, Hyde-Clarke, Jeremiah, Matthews, Mathu, Mortimer, O'Connor, Padley, Patrick, Rankine, Rhodes, Salim, Thornley, 20. Did not vote—Messrs. Erskine, Madan, 2.

THE CHAIRMAN: Shall I put the question that items 229 to 277 be approved?

LADY SHAW: I have a point on this group—I do not know whether there is time.

THE CHAIRMAN: I am wondering whether you intend to keep it open. Do the members wish to keep this vote open?

MR. THORNLEY: I beg to move that the question be put.

LADY SHAW: I oppose that. I have got quite a number of items I wish to raise.

THE CHAIRMAN: This has to be put without debate.

MAJOR KEYSER: Sir, is that in order? I thought we could debate each item.

THE CHAIRMAN: I understood the hon. Deputy Chief Secretary to move that the question be now put. The question before the Committee at the moment is the motion moved by the hon. Chief Native Commissioner.

MR. THORNLEY: As I understand it I rather thought there was support on the other side of the House that the question now be put. I certainly do not wish to forestall any further debate, and would ask to withdraw by motion.

MR. RANKINE moved: That the Committee rise, report progress and ask for leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Wednesday, 21st December, 1949.

#### Wednesday, 21st December, 1949

Council reassembled in the Memorial Hall, Nairobi, on Wednesday, 21st December, 1949.

Mr. Speaker took the Chair at 9.35 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 20th December, 1949, were confirmed.

#### TEA ORDINANCE, 1948

##### CONTINUATION IN FORCE

MR. GILLET: Mr. Speaker, I beg to move: Be it resolved, that the Tea Ordinance, 1948, shall remain in force until the 31st day of December, 1950.

I myself am very disappointed that it has been necessary for me to move this resolution this morning, because I had hoped that before this date new legislation would have been introduced into the three territories of Kenya, Uganda and Tanganyika which would have put the tea industry on an interterritorial basis. Good progress to this end had been accomplished until three or four months ago, when a rather serious hitch occurred in respect of the Tanganyika producers. I am happy to say, however, that at a meeting of the Interterritorial Tea Committee held about a fortnight ago the Tanganyika difficulties were overcome, and as a result they have now gone back agreeing to frame legislation on lines which have been approved by Uganda and Kenya. The Uganda legislation, I believe, presented to the Legislative Council in Uganda this week. The Kenya Bill is in draft form, and I believe I am correct in saying that the Attorney General has approved it. I see now no reason at all why it should not be possible to introduce the Bill to this Council next March. In the meantime, however, it is necessary that the existing legislation remains, and I therefore beg to move.

MAJOR CAVENDISH-BENTINCK seconded.

The question was put and carried.

#### BILLS

##### IN COMMITTEE

MR. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider clause by

clause the Eviction of Tenants (Control) (Amendment) Bill and the Increase of Rent (Restriction) (Amendment) Bill.

MR. HOBSON seconded.

The question was put and carried.

Council in committee.

#### Eviction of Tenants (Control) (Amendment) Bill

##### Clause 3.

MR. O'CONNOR moved: That subsection (3) of new section 3 be amended by inserting before the word "commencement" in line 3 the words "date of the".

The question of the amendment was put and carried.

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

#### Increase of Rent (Restriction) (Amendment) Bill

##### Clause 6.

MR. VASEY moved: That the clause be deleted and the following substituted therefor: "6. Section 22 of the principal Ordinance is repealed and the following substituted therefor: 22. (1) If a landlord or his agent or clerk fails to supply his tenant with a rent book on demand or fails to enter or cause to be entered therein the standard rent, or any payment on account of rent or fails to sign or cause to be signed any such entry, such landlord shall be liable to a fine not exceeding four hundred shillings, unless he proves that he acted innocently and without intent to deceive. (2) A Board, in its discretion, may order a landlord or the agent or clerk of such landlord to supply the tenant of such landlord with a rent book, or may order such landlord or such agent or clerk to enter or cause to be entered in such tenant's rent book the standard rent and all payments on account of rent and to sign such entry; and any person who fails to comply with an order made by a Board under the provisions of this sub-section shall be liable to a fine not exceeding four hundred shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment."

THE CHAIRMAN: I am not quite sure whether this is an amendment or a completely new section which ought to be read out by the clerk so that formally

it is given a second reading, which we have not had on this part of the Bill, in case anybody wants to debate it. That is why I shall put it so that anybody who wants to debate it can: I put the question.

The question of the clause was put and carried.

The question that the clause do stand part of the Bill was put and carried.

MR. O'CONNOR moved: That the Bills be reported back to Council with amendments.

Council resumed, the Bills were reported, and the report adopted.

#### THIRD READINGS

On motion by MR. O'CONNOR, seconded by MR. HOBSON, and question put, each of the Bills was read the third time and passed.

#### COMMITTEE OF SUPPLY

##### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

##### Head 28—Administration

It had been proposed that items 230 to 277, Head 28, be approved.

THE CHAIRMAN: When the Committee last reported we were considering items 229 to 277 under Head 28.

MR. BLUNDELL: Item 231. The post is marked "In abeyance". Might I ask the hon. Member to tell us why it is still kept in the estimates?

MR. DAVIES: Mr. Chairman, item 231. That post has been held by a Mr. Ross who was in that place before he went to England, and we now hold the post, which may become permanent or may be temporary, of Supervisor of African Bursars, for him. There are no salaried bursars.

MR. BLUNDELL: It is one of the few items under this head which I do not wish to delete.

MR. DAVIES: I thank the hon. member.

LADY SHAW: Mr. Chairman, I want to move on item 252, but I do not want to do that if anyone else wants to move

[Lady Shaw] anything before me. I will give them the opportunity. Item 252. I beg to move that the post of Medical Officer, £955, be deleted.

I do this, sir, for two reasons. One is that I regard this staff of the Jeanes School as a very large one, and in view of the great shortage of medical officers in this country, of which we are always hearing, I feel that a full-time medical officer at Jeanes School must be an extravagance. When I talk of extravagance, I would like to point out that until this year half the recurrent expenditure of the Jeanes School has been met by the Colonial Development Welfare Fund, and this is an absolute case in point where this country is, if I may use the expression, landed with an organization largely paid for by someone else, and after a period of time we are handed that infant, of which we have heard a good deal in this Council, to carry. This is a case in point.

I understand that now there are teachers being trained at the Jeanes School. I know very well that teachers were originally trained, of a special type, before the war. During the war Jeanes School was handed over to the military, and now we have this organization training welfare workers, teachers and, I understand, giving a general brush up to people engaged in any form of administration of Africans in the districts, but I cannot understand either why we should have a full-time medical officer or why the Jeanes School should be training T.2 teachers. I believe the principal of the school is an administrative officer. He does not seem to me to be a suitable person to teach the highest grade of teaching which is taught in this country.

I feel this school needs certain investigation. It is doing in certain respects extremely good work, but I wonder very much, and many people wonder with me, whether it is not spreading its net too wide and spending a good deal too much money. I know that expenses are reduced. Last year I believe it was £43,000, of which £21,000 was paid by the Colonial Development people, but this year, although it is less, the figure is very much higher than fell upon the Kenya budget last year. I beg to move the deletion of item 252, £955.

MAJOR KEYSER: Might I ask the hon. Chief Native Commissioner if he could tell us how many students there are at the Jeanes School?

MR. DAVIES: I was just going to give you that figure in reply to the hon. Member for Ukamba who made the motion to delete this item. There are 460 students at the school, and not only they but a very large number of people from the reserve outside, on farms outside, come into the hospital at the Jeanes School. I have spent some hours up there, and I am perfectly satisfied that it is a very valuable job of work that the medical officer is doing there. I think if you saw this institution with 460 students anywhere else you would say that that number requires a medical officer, quite apart from the fact you have a very large African population within a few hundred yards of the Jeanes School who also make great use of him.

MR. MATHU: Mr. Chairman, I do not think I would support the deletion of this item because, as the hon. Chief Native Commissioner has pointed out, Jeanes School is planted in a very densely populated area, and in addition to the 460 students you have a large African population next door. There is no hospital nearby and it is doing a more useful work, that hospital, in that area and it would be the last item in these whole estimates that I would think of anybody wishing to delete, therefore I shall oppose the deletion of that item.

LADY SHAW: I take issue with the hon. Chief Native Commissioner when he says that a number of 460 would need a medical officer. Any number of schools in this country contain 500 boys and girls and they do not have a special medical officer—in fact they have one to inspect them once a week, perhaps more seldom. When I said the Jeanes School was spreading its net too wide I did not realize I was going to get that answer of people coming in from the reserve nearby. Although I think probably—I am sure—they are doing magnificent work for those people it still does not strike me as the job of a school hospital to be serving a reserve. Here we are dealing with the Medical vote in a short time and in fact part of this money being spent is in fact for the Medical Services

[Lady Shaw] and not for the Jeanes School at all. I am extremely glad to have elicited that bit of information. I still wish to press my amendment.

The question was put and negated on a division by 23 votes to 10. Ayes: Messrs. Blundell, Havelock, Hopkins, Keyser, Maconochie-Welwood, Nathoo, Preston, Rana, Lady Shaw, Mr. Usher, 10. Noes: Messrs. Anderson, Cavendish-Bentley, Chemallan, Cooke, Davies, Deverell, Gillett, Hobson, Hope Jones, Hyde-Clarke, Jeremiah, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patrick, Pritam, Rankine, Rhodes, Salim, Thornley, 23.

MR. HAVELOCK: Item 253. I beg to move the reduction by £4,000.

We have been told there are 460 pupils at the Jeanes School. I suggest that once again this is a matter of extravagance—that a number of, say, 100 to 150 of the African civil servants who, I believe, are the people who are supposed to be instructed at this school, should be sufficient for our needs at the moment. I see that there are 13 education instructors, 12 teachers and 5 African instructors, making 30 altogether, which means that each man has the individual tuition of 15 persons, which is a very nice small class and which is the type of class that we have been asking for in other types of education for many years.

I would like to remind hon. members of the remark of the hon. Member for Rift Valley yesterday, when he said that we are trying to economize in order to see that the money is spent in the right places. I am sure that hon. members on the other side of the Council should have special sympathy with us in this object at this particular time. I might suggest to them to think of the special cases that are being made out by their lady wives at this time of the year for fur coats and pleasant Christmas presents of that sort, and I am quite sure their replies are normally, "Can you not do with an ordinary cloth coat this season, and let us have the other part of the money put aside for something productive like, say, an electric iron?" That, sir, is the attitude of the members on this side of the Council. We have a restricted budget and we are not able to afford what we consider are extrava-

gances, and I suggest to you that this Jeanes School under the present establishment is an extravagance.

Can we not consider that the £4,000 that I have moved now as a reduction might be used in another way? Are there not so many vital things that we need? The hon. Member for Agriculture, I am sure, could make extremely good use of this £4,000 in an immediately productive capacity. I do not want to go into the debate again, but the points have been stressed so often on this side of Council that things are so vital at the moment and we cannot afford frills, which I suggest that this particular vote, in part anyway, is.

MR. HYDE-CLARKE: Sir, I beg to oppose. I think there is a complete misconception on this whole subject. I do not pretend I am the right person to put that straight, but I can indicate one or two ideas on constructive thought. I am terribly conscious at the moment of the need for African leadership. It is quite impossible for the small handful of Europeans to be able to bring forward the rank and file of Africans in this Colony without the intervention and assistance of properly trained African leaders. I look upon this Kabete centre as a sort of O.C.T.U. No one can possibly run an army without trained leaders, and no one can hope to run this country without trained African leaders. I will not say any more except that I strongly oppose.

MR. MATHU: I would like to support what the hon. Labour Commissioner has just said in opposing this motion, and to say as I have done before—and I have had support in the person of the hon. Member for the Coast—that education is a productive service, and I do not see how you can reduce. Even if the hon. Member for Agriculture had this small amount of £4,000, with fellows that cannot handle a plough or a machine properly how can he explain the fundamental principles of agriculture to the African community? I do not see how that £4,000 can produce anything. For that reason I cannot support the reduction of this item by the amount proposed by the hon. Member for Kiambu. The teaching that has taken place in the Jeanes School in my view is a productive service and we want that very badly. It is not only that we want civil servants

[Mr. Mathu] to handle the ever-increasing office work in this country—we want them as relief officers for more important work—even district officers, and for that matter welfare officers also, and this is the place where we produce them.

To say that it is extravagant and at the same time to say that we want the African people to play a very important part in increasing the national income in this country seems to me to be very contradictory. We have given the Africans an opportunity to develop along the lines we want to help develop this country successfully and here we come and suggest a reduction of a very small figure of £4,000 for that very important work. Might I say that my hon. friend the Member for Eastern Area, Mr. Patel, in an earlier debate said that we had two enemies to fight against, disease and ignorance, and the Jeanes School is going to contribute to that.

MR. MACONOCHE-WELWOOD: Mr. Chairman, after the remarks of the hon. Labour Commissioner, followed by those of the hon. member Mr. Mathu, I find myself in some difficulty to discover exactly what the Jeanes School is for. The hon. member Mr. Mathu tells us it is to teach us something about ploughing and the hon. Labour Commissioner tells us it has to do with leadership. I quite agree leaders should be taught to plough, but I would like to know what the school exactly does—whether it concentrates on the intellectual side or more practical forms of teaching, such as teaching agriculture, in which case it would be better, I should have thought, in another department.

MR. BLUNDELL: I feel that hon. members should not be led astray on matters of policy. All the hon. Member for Kiambu raised was a reduction in the vote for teachers, on the grounds that he felt that the proportion of teachers to pupils was too high. He did not move the complete deletion in order to stop the training of leaders, he did not move the complete deletion in order to stop education. All he stated was that in his view—and there must be some sympathy for his view—was that the proportion of one teacher or instructor to 15 pupils would be high anywhere, and we have not had an answer to that. It is true the

hon. Labour Commissioner entered the arena with a plea about leaders, but the particular point under discussion has not been answered.

MR. HOPE JONES: Mr. Chairman, I would like to ask the hon. Member for Uasin Gishu if he has heard of Cincinnati, who was a leader of his countrymen and who was, I believe, an expert ploughman?

MR. COOKE: I should like to associate myself with what the hon. Member for Rift Valley has just said. That was how it appeared to me. The hon. Labour Commissioner has in a way drawn a red herring across the trail. No one would do away for one moment with the Jeanes School and the most magnificent work it is doing. I am one of those who have visited the Jeanes School, and I am naturally very struck with the great progress that is being made and the tremendous enthusiasm that is seen there, and if I wanted to pull my hon. friend the Member for Uasin Gishu's leg I would advise him to visit that school where he will see for himself. The point we have made all along in this debate is that when we concentrate on welfare it is not that we are against welfare, because we are in favour of it, but we think it might be done in another way. Just here, to emphasize what has been said by my hon. friend the Member for Kiambu, we think that fewer education instructors could do the same work with equal efficiency. That, sir, is the only point that we are taking up this side of Council.

LADY SHAW: May I ask for a reply to my question about the training of T.2 teachers at the Jeanes School? For what reason are the highest grade teachers in this country, why are they trained of all places in the world at the Jeanes School?

MR. BLUNDELL: I would like to delay the Council one moment longer. If this motion is pressed to a vote then I shall vote for it, but I wish to say that I do not wish to eliminate the Jeanes School. Hon. members may not know, but the translation of the Jeanes School into a civilian unit took place at the time I was nominally at the head of it in the Army, and I do know a little about it and think it does good work. I would like the hon. Member opposite to give an assurance that before the estimates come up next

[Mr. Blundell] year they will examine the establishment of the school in order to see whether savings cannot be made. So often in matters of this sort it is a new toy and it starts off with more frills and more backing than perhaps would normally have been given in the normal development of Government, and I would like to ask the hon. Member opposite to give us that assurance.

MR. THORNLEY: I would like to give that assurance immediately, and I would like also to explain that these education instructors are not all educationalists in the strict sense of the word in that they teach academic subjects. Four of these officers are dealing at the moment with teacher training, and it has been suggested on the other side of Council that the Jeanes School is not the right place for the training of T.2 teachers. I think, as the Member for Education, I would agree. When we consider our long-term plans and when we come to consider the Beecher Report next year you will see in that report—I hope hon. members have already seen—what the recommendations are for making arrangements for the training of teachers outside the Jeanes School. In recent years, however, we have very badly wanted teachers and the Jeanes School has provided a very ready institution where training could be given, and if it had not been for the work which has been done at the Jeanes School we should be much worse off now in the number of trained teachers which are available than in fact we are.

Of the remainder of the 13 one is concerned with physical training and the development of games and athletics for the Colony as a whole. That particular instructor cannot possibly do, and does not attempt to do, all that work sitting in a classroom at the Jeanes School. He gets about the country and he is in touch with everything that is happening in the country. One instructor is an instructor in agriculture. He, too, does not spend the whole year in the Jeanes School, but he is out in different centres of production elsewhere in the territory, getting first-hand information on what is going on, and indeed of what is needed in the instruction which he gives to African instructors who come to the school for a refresher course. It is the desire of the

officer responsible for the school that it shall definitely be in touch with all sorts of activities which are going on throughout the territory, and these people do not remain closeted in the school. If they did they would be completely out of touch with everything that is going on and certainly would not play any sort of part in the training in citizenship which is one of the most important functions of the school. Another two of these instructors are concerned with clerical work, one with administration, two with the welfare of the Colony and development work, and only two on what are described as general school subjects.

I have made this short statement to indicate that these people are not simply dealing each one with a form of 15 students. They do far more than that. I do not know how many hon. members have been out to see—I would like to think all hon. members, before being critical of the organization, had been out to see what was being done—and I would appeal to those who have not that they really should go out there. But I believe they would find themselves extremely surprised at what is going on and what really good work is being done there.

I beg to oppose the motion.

MR. HAVELOCK: I am very grateful to the hon. Deputy Chief Secretary as Member for Education for his explanation. No doubt it may be expected of me to withdraw the motion, but I am not going to do so. I still consider the actual staff is too great, is extravagant. I have every intention to go and see the Jeanes School, and I am quite certain I would find there a lot of good work being done, but I do not think the hon. Member can expect members on this side to visit every institution before moving a reduction in the vote for such an institution, in which case I would have had to have visited Britain for the colonial course before yesterday! I really still want to emphasize the principle that all these reductions that I have moved up to now, and other hon. members on this side, are aimed at trying to bring things back to a utility level, and we believe that things are away from a utility level at the moment. There are frills, there is extravagance, and in spite of the assurance and information I have received I still wish my motion to remain as it

[Mr. Havelock] is, and I consider that the staff of the Jeanes School is extravagant.

LADY SHAW: Mr. Chairman, I wonder whether it would be possible to urge the hon. Member in charge of this vote to give us an undertaking that he will consider the question of having an inquiry into the working of the Jeanes School? There is a great deal of dissatisfaction in this country on the subject of the whole welfare set-up and of the Jeanes School; and it is not confined to the settler population. I have heard comments all over the country, from administrative officers and other people who are concerned with the products of this school, and I think it would be satisfactory if it were possible to have an inquiry into the staffing and general running of this school. I should be very glad if I might be told whether this would be possible.

MR. THORNLEY: Mr. Chairman, I have not had an opportunity of consulting our leader on this side of Council, but I would like to consult him on the suggestion which has been made by the hon. Member for Ukamba, particularly if that inquiry would take the form of a thorough investigation by members of this Council. I would like to suggest to the hon. Member for Development that we might do something on these lines.

MR. DAVIES: Mr. Chairman, on the question of there being too many instructors at this school, I think part of the answer is that the school copes with a very large number of subjects which ordinary schools do not cope with. It is a training ground for people from all walks of life. I have given details of the courses run at that school. There is a course for departmental African technical staff, there are courses for African teacher training, Grade III and Grade II, there is full training for clerical people, which includes not only typing and shorthand but also the work of accounting and that sort of thing; there is training for African administrative officers, who themselves have to have lectures on all kinds of variable subjects; probation assistants and Information Office staff. Again, they have to be taught the technique of putting across the various subjects that are required in the districts; not only the technique but a lot of the background of the sub-

jects obviously, or they could not put them across. We have courses for cooperative men; courses even for bakers; there are refresher courses for chiefs, for local native council staff, for public prosecutors.

All these various things are far beyond what you would expect to find in an ordinary school and require, very obviously, a very much larger teaching staff than you have at an ordinary institution. There are elementary courses for voluntary welfare workers and literary teachers; there is preparatory training for future entrants to departmental schools, other than teacher-training schools. The idea of those is to put into these African civil servants an idea of civics and an idea of the team, if you like. There are courses in elementary housewife and child welfare for the wives of men on the longer courses, and a good many children come in from outside as well.

I think I have said enough to show the range of subjects covered, which is a very, very wide one, and you do require perhaps more than you normally would in a school teaching the ordinary academic subjects. You require a larger number of teachers for those courses.

MR. RANKINE: Mr. Chairman, I should like to add a few words to what my hon. friend has said.

He has explained that the teaching staff is, as hon. members have pointed out, larger than would be the case in an ordinary school. The reason is that the range of subjects taught is so very wide. The number of courses going on is very large, and naturally to cover a range as wide as that a very large staff is required. But in their desire to effect reductions in expenditure we on this side can very much appreciate the efforts that hon. members opposite have made. One of the things which is very clear in our minds is the sense of frustration which must arise if motions are constantly defeated, and I think perhaps members on the other side may be able to appreciate the reasons why Government appears to fight each item in the estimates so hard if they give a little thought to the manner in which the estimates are prepared.

As everybody knows this is a young country, growing and expanding rapidly, in which we have very great difficulty



[Mr. Rankine] in providing everything that is required. As some hon. members have pointed out on numerous occasions there is hardly a head of a department who could not with the greatest of ease spend double the amount that he is given. The demand on him at all times for additional services is very great, and when the budget is made up it is very much a case of having to tell everybody how much they can have. Very rarely, if at all, is it possible to give everyone what they would like or what they really want. It is the old story over and over again of trying to get a quart out of a pint pot, and every head of a department, when he prepares his estimates every year, finds that he has got to go through his establishments with the greatest of care and try to fit in within his total provision all the things that he needs to give the services that are needed.

Those estimates come up to the finance section of the headquarters offices, and there they are examined again with a toothcomb. My hon. friend the Member for Ukamba has the very greatest difficulty in squeezing into his framework all the services that are needed. The estimates themselves have taken months to prepare and have gone through that process of sifting before they are ever placed before this Council. If Government included in the estimates items which were not really necessary and could be knocked out with the greatest of ease, then, Mr. Chairman, I submit that we would be acting irresponsibly. That is the reason why when deletions of items are suggested Government fights them—because the examination of the question as to whether those items should ever be included or not has already taken place and Government is satisfied that they ought to be included. Otherwise they would certainly not be there, and that I suggest is the reason why any motions for deletions or reductions are fought.

As I have said, we can understand very well both the motives that prompt hon. members and the reasons why they are trying to find economies or reductions. So I hope that they will bear that in mind and be able to understand that these motions for reduction or deletion are not opposed automatically just because they are made, but they are

opposed because in every case the question has been very carefully investigated already, and it is only because the hon. Member for Finance is satisfied that they ought to be in the estimates that they are in there at all.

The hon. Member for Ukamba suggested an inquiry into the Jeanes School and the social welfare organization. Hon. members have already suggested that there are too many committees and inquiries, but if this Council would like to appoint a select committee to examine the Jeanes School and its organization I know that I can speak for the head of that institution when I say that he would welcome such an inquiry, that there is nothing he would like better than an opportunity of showing responsible people what he is doing, and an opportunity of justifying it to the country at large, because we believe that he is doing a very important job of work there, work the importance of which I cannot overstress. He is, as my hon. friend has already pointed out, trying there to develop a sense of responsibility and citizenship for the whole of this country, and the more the country knows about that the more it appreciates it and the more support it can give it the better.

MR. HAVELOCK: Mr. Chairman, I do want to thank the hon. Chief Secretary for the trouble he has taken to put the Government point of view, the very excellent way he has done it. We do, I think, all understand their motives, as they understand ours. The only difference I think is that we on this side of Council may have different ideas of priorities, and also possibly different ideas as regards efficiency and economy, and on those two particular lines we tend to diverge.

Of this particular item we have been given a long list of the different courses that are in force or are in operation at the Jeanes School. I wonder if that in itself is any indication of the overall policy that we seem to be following in too many ways, and that is the policy of trying to do too much at once. I suggest that some of these courses are not vital. Some of them are very vital and those which are very important should be concentrated upon, with a resultant decrease in expenditure. I think some of the courses need not be tackled at the

[Mr. Havelock] moment, although they are very desirable when we can afford them. That, I believe, is the way we should tackle all the heads in the estimates that we are discussing.

I should like before I sit down to say that I also agree very, very strongly that there is extremely good work being done at the Jeanes School and that I hope it will always continue to be done, and, of course, the most important work to my mind is what the hon. Chief Secretary has mentioned, that is the tuition of civil responsibility I think was the word used. I agree most heartily on that, but I do feel that in other ways there can and should be economies.

The question was put and negatived on a division by 22 votes to 10, one not voting. Ayes: Messrs. Blundell, Cooke, Havelock, Hopkins, Keyser, Maconochie-Welwood, Preston, Rana, Lady Shaw, Mr. Usher, 10. Noes: Messrs. Anderson, Cavendish-Bentick, Chemallan, Davies, Deverell, Gillett, Hobson, Hope Jones, Hyde-Clarke, Jeremiah, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patel, Patrick, Pritam, Rankine, Rhodes, Salim, Thornley, 22. Not voting: Mr. Nathoo, 1.

MR. PRESTON: Mr. Chairman, I should like information on item 269, African staff, £3,380. It seems to me to be a very large African staff to carry on an establishment of 450 students. If one looks at the estimates for station hands in some of the provincial organizations, you will find that the Central Province is a good example, 100 station hands costing just over £2,000. It would appear that the African staff at the Jeanes School is on a more skilled level. There may be 100 or 150 African staff or a ratio of four students to one member of the African staff.

MR. DAVIES: On the question of the African staff, the first thing I would like to say is that there are 250 acres of land to look after at the Jeanes School. The African staff is made up as follows: 16 watchmen, 5 office boys, 10 cooks, 10 mess boys, 6 sweepers, 1 headman, 50 farm hands and also minor employees. These people have got to do the things that cooks, office boys and mess boys do, and also engage in laying out the land, terracing it and keeping it clean and

in good order. As far as the students are concerned they come and go in the courses, and they also do their chores and keep their plots clean.

MAJOR KEYSER: Did the hon. Member say 16 watchmen?

MR. DAVIES: Sixteen watchmen. The area is as you know at Kabete.

MR. COOKE: It strikes me that if this school is for training in citizenship the students should be doing their part of the chores. That is the spirit which prevailed in England during the Middle Ages and up to 50 years ago, when everyone was required to do their duty in cleaning, the upkeep of law and order and various other jobs. It would be very much better if all the students were used in this way.

LADY SHAW: As a farmer I am absolutely staggered to hear that there are 50 men to look after 250 acres of land; it is an extremely high proportion of labour.

MR. DAVIES: As far as the students are concerned I have said that they are on courses and they come and go, and there is not very much point in putting students to level and plant grass and that sort of thing if to-morrow they are somewhere else. They are not permanent people. They also have to spend a large amount of their time, I hope, being taught, and if a man has to go away and join a class when he is wanted to terrace ground I think it is uneconomic to expect him to do both.

MR. BLUNDELL: Mr. Chairman, I hope in view of the explanation that the hon. Member for Nyanza will move a reduction. I knew this land and school four years ago, and a considerable proportion had been terraced then. Surely the hon. Chief Native Commissioner does not mean to tell me that one can go on perpetually terracing 250 acres unless there is gross negligence in keeping the terraces up? I think the whole set-up of the staff can do with a reduction, and I suggest that all the watchmen should be included in the police vote next year so that we shall then know the real cost of the department of the Member for Law and Order.

MAJOR KEYSER: Mr. Chairman, these 16 watchmen make one think a bit more. It must be an extraordinary institution,

[Major Keyser] for in parts of the country the ratio is one to about forty to fifty thousand Africans. The teachers are one to thirteen, a proportion which I do not think exists in any other educational institution, and here you have 16 watchmen. What sort of atmosphere are these students brought up in where 16 are needed for 460 students? It is three times the amount I have on a 4,000 acre farm. The whole of the proportions of the staff of this institution is the most astounding I have heard of, and I am very grateful to the hon. Chief Secretary for agreeing that an inquiry should take place into this institution. It is long overdue it seems to me.

MR. PRESTON: Mr. Chairman, in view of the explanation I should like to move a reduction of £1,000 in this vote because I do believe myself that quite a lot of these 250 acres of land is in fact grass land; among other things, and I do feel somehow or other that this institution is very heavily overstaffed.

The question was put and negatived by 20 to 15, one not voting. Ayes: Messrs. Blundell, Cooke, Havelock, Hopkins, Keyser, Maconochie-Welwood, Nathoo, Patel, Preston, Pritam, Rana, Salim, Lady Shaw, Messrs. Usher, Vasey, 15. Noes: Messrs. Anderson, Cavendish-Bentley, Chemallan, Davies, Deverell, Gillette, Hobson, Hope Jones, Hyde-Clarke, Jeremiah, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patrick, Rankine, Rhodes, Thornley, 20. Not voting: Mr. Erskine, 1.

MR. RANKINE: Mr. Chairman, on that vote on which the division has just been taken I have already explained the reasons why Government could not accept a reduction, but having heard the views expressed and the very strong desire for a reduction Government certainly will examine the matter again to see whether it is possible to effect any economies. (Hear, hear.)

MR. PRESTON: Mr. Chairman, item 270, students' allowances. I should be most grateful if I could get further information. Are these allowances in the shape of scholarships or bursaries, or is it the principle that every student who goes to this institution is given pocket-money or an allowance, because I must confess that if it is a question of an

automatic allowance to anybody going there it is something which is going to give him at the end of his course an idea of greater earning power. I think it is a policy that we have to be very careful about in future. I think that if people wish to better their condition either they or their parents must make small sacrifices.

MR. DAVIES: I should like to reply to that query. At the moment it is proposed that students who come in who are not receiving salaries for other jobs will get an allowance of twenty shillings a month. Out of that allowance they have to pay for their own uniforms, blanket and so on, books and club subscriptions. The idea is to make them conscious of the value of money, to give them that money to spend. If they lose their blankets or their uniforms, well it is just too bad. They will not get a free supply from somewhere else. (MAJOR KEYSER: Watchmen?) That is the idea. People in receipt of salaries from elsewhere will not get an allowance. That is the present intention, but I understand that the whole system as to whether people are to have allowances or not is now under consideration, but that is our present intent and the vote includes it. Whether the whole sum will be required depends on whether or not the number of students comes up to that particular amount. I hope that explains the matter.

The question that items 230 to 277 be approved was put and carried.

#### Head 28A—Administration Extraordinary

MR. DAVIES moved: That Head 28A, items 1 to 17, be approved.

MR. CHEMALLAN: I should like some information about item 13.

MR. DAVIES: These are at the moment at Isiolo. The idea was to return them this year, but the drought conditions in Turkana have been such that they could not be returned and it is hoped to return them next year.

The question was put and carried.

#### Head 29—Civil Aviation

MR. THORNLEY: Mr. Chairman, I beg to move: That Head 29, Civil Aviation, items 1 to 10, be approved. I think the memorandum adequately explains how the total of this estimate is arrived at

[Mr. Thornley] and I do not think it is necessary for me at this stage to do anything.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I want to ask for a few points of information on this vote. First of all I should like to know why item 1 comes under Civil Aviation instead of under Public Works in view of the fact that the Public Works Department do the work under it.

The other point I should like to mention is that there is a new post of engineer for civil aviation here. I should like to know whether in fact this officer's work is not duplicated under the Civil Aviation vote, where the Director of Civil Aviation also has an Engineer (Aerodromes). It may be they do different work, but I should like an explanation of it.

One other point on which I would ask for information is whether Government has considered the possibility of implementing a suggestion which has been made, drawn I believe from the Belgian Congo, of making wider places on certain roads, to be used as emergency landing grounds. In fact, the vote for aerodromes has gone up, for very good reasons, but I should also like to point out that the number of aerodromes in the Colony has gone down a very great deal. Before the war there were more aerodromes in small places than there are to-day.

One further thing is that in many cases it would seem cheaper and possibly simpler if local authorities contracted for the work of upkeep of aerodromes. In many cases the local authorities have the plant available and can do the work extremely cheaply. The whole position of aerodromes is at the moment very unsatisfactory. There are places such as Nyeri where there is no aerodrome. There was one before the war but there is not one now, and debates have been going on as to who should make the aerodrome, the long and the short of it being that it does not exist. I take the view that in this Colony where road transport is causing a greater and greater drain on the exchequer we should use aeroplanes more and more for personal transport. Instead of getting more and more aerodromes we get fewer and fewer.

MR. BLUNDELL: Mr. Chairman, I rise very briefly to expand one point made by the hon. Member for Uasin Gishu, which can also be taken later under the High Commission vote, but if the suggestion to make more airfields is carried out, especially on the lines of widening roads or making strips along the roads, a considerable saving could be made on radio-communications, because people in difficulties would know that within reasonable distances they would have landing-grounds. It is not in effect a suggestion for more expenditure; it may well be a suggestion for a saving.

SIR GODFREY RHODES: Mr. Chairman, I think perhaps I can help hon. members opposite in answering some of the questions that have been mentioned by the hon. Member for Uasin Gishu.

The need for an engineer is because the Public Works Department is going to be responsible for the construction and maintenance of aerodromes in future. The position, as the hon. member has said, has been unsatisfactory in the past and we are anxious that this part of our work should be put on a proper footing, and one engineer will be employed full-time on looking after all the aerodromes in the country and all the special emergency landing grounds. There is a full-time job of work there if we are to avoid waste of money in putting down strips that are not properly designed and not properly maintained.

With regard to the question of emergency landing grounds, we are not in favour of using existing roads for that purpose for many obvious reasons. One might have a serious accident if the traffic on a road gets in the way of an aeroplane that is about to land in an emergency. We therefore recommend the building of cheap strips close to the road but not necessarily on the road. I think we can achieve the same object more easily and safely in that way.

With regard to using local authorities for contract work, we are always prepared to do that and we have done that in many cases. We will always continue to do so when local authorities are in a position to render the service we require.

Nyeri aerodrome has been a problem to us for some time. As hon. members probably know we have been trying to

[Sir Godfrey Rhodes] obtain possession of a certain area of land, in private ownership which has been promised to us, but so far as I know at the moment we have not yet succeeded in obtaining the signature of the owner of that land to allow us to go on to it. There is some trouble there. Everything has been promised to us, but nothing in fact gets done because we cannot get the owner to toe the line. The Land Office have that problem in hand and I hope it will be brought to a conclusion very shortly. All arrangements are ready to start building the landing strip as soon as we can get possession of the land.

I think that in my remarks about emergency landing grounds I have also answered the point raised by the hon. Member for Rift Valley. The question of the number of strips will, of course, be a question of what funds are placed at our disposal for that purpose, and the initiative in all these matters must come from the Director of Civil Aviation whose business it is to say what aerodromes are required in the country and for what particular purpose, or what particular type of machine they are designed to serve. I think that is all I can add.

The Committee adjourned at 11 a.m. and resumed at 11.15 a.m.

MR. WELWOOD: There is only one thing I would like to say briefly on the information I have received on the Civil Aviation vote, and that is that I hope the tie-up between the Director of Civil Aviation and the engineer in charge of civil aviation under the Public Works Department will be of the closest, because I have found in the past that there has very often been disagreement between the officers of the Director of Civil Aviation and the Public Works Department with the result that important work is delayed for months and months while they argue together, and it does seem to me quite clear that the Director of Civil Aviation must be responsible for the engineer, as it were, of the Public Works Department.

One other point, a personal explanation. When I suggested the widening of roads I put my point badly. I actually meant, on the point the hon. Special Commissioner for Works made, the putting down of emergency air strips

adjacent to roads, so the upkeep would be as cheap as could be done when the roads are made or repaired.

SIR GODFREY RHODES: On the point that has just been raised by the hon. Member for Uasin Gishu about the tie-up between ourselves and the Director of Civil Aviation, I would like to say that we are doing our best to get that tie-up arranged in the most suitable manner. The Director of Civil Aviation must be responsible for telling us where aerodromes must be, what they must do—in other words, what size of machine they must be capable of taking. But then it is our business to design the aerodrome strip, to construct it and put it in, and it is our business also to provide the Director of Civil Aviation with information regarding the cost, so he can put his case to the proper authority for getting funds allotted for that purpose. We are trying to arrange our respective set-ups in that way so that each side will know exactly what we have to do.

MR. THORNLEY: I thank my hon. friend, the Special Commissioner, for dealing with the points made by the hon. Member for Uasin Gishu. The first one was that civil aviation work did not come under his administration. Well it does not, and I would explain that it comes under the wing of the Deputy Chief Secretary, in the capacity which was once described in this Council as the "Pooh-bah" of the Administration.

The question was put and carried.

#### Head 30—Coast Agency

MR. THORNLEY: I beg to move: That Head 30, Coast Agency, and Head 30A, Coast Agency Extraordinary, be approved.

MR. NATHOO: Might I request the hon. mover to tell us something about this Mombasa Allowance, item 13?

MR. THORNLEY: Item 13, Mombasa Allowance, is simply a way of describing what is in fact overtime. The officers on the Coast Agency staff have, of course, to work in the closest touch with shipping movements in the port and they do very often have to work late at night and early in the morning. The normal office hours mean nothing to them, and in fact Mombasa Allowance covers the overtime.

The question was put and carried.

#### Heads 31 and 31A—Education Department

MR. THORNLEY: I beg to move: That Head 31, Education Department, items 1 to 33, be approved.

In moving this motion I should like to remind hon. members that as soon as we possibly can in the New Year we shall be debating in this Council the education reports which have been already laid on the table, and I would suggest that as we shall so shortly be having debates on all these reports—lengthy debates—it might save the time of Council if we awaited a general education debate until that time. It will, of course, follow when we have those debates that these estimates will automatically come under review.

MR. VASEY: Speaking for the European Elected Members, we ourselves agree with the Member for Education that in view of the fact that there is the Hartwell Report on Indian Education, and there is the Beecher Report on African Education to be debated—we hope before long—in this Council, and the financial principles and other principles of education to be generally decided, we do not wish at this stage to launch a debate on educational policy. On behalf of my colleagues I merely wish to say that in that connexion we neither accept nor do we reject any individual items in the estimates.

MR. PATEL: Speaking on behalf of myself and my colleagues, we are prepared to accept that procedure for the discussion of education generally and the various items under this head, but as the reports which are to be discussed are on Indian education and African education I would like to have an assurance from the hon. Member for Education that we will not be prevented from discussing general education, because if we postpone the discussion on this vote we will have then to refer to various matters which will concern the education of all races.

MR. THORNLEY: Mr. Chairman, I would like to make it clear that naturally we shall be discussing the educational system for all races and certainly we shall be considering at that time the Glancy Report on European and Asian Education on which, as hon. members will remember, we did not reach any decision when we debated that report

last year or the early part of this year. That will be one of the reports which will be before the Council when we have those debates.

MR. NATHOO: Mr. Chairman, in view of the remarks of the hon. Member for Nairobi North and the hon. Member for Eastern Area, while I do not wish to deal with any points rising out of this vote, there are two aspects to which I must refer before this vote is passed. I have been asked to express very strong dissatisfaction at the allocation of the Education vote. I will not give it in detail now. Out of the recurrent vote a substantial saving has been made for a number of years on the actual Education vote owing to the inability of Government to fill the establishment, and when this report is coming up I will at that time deal with this matter. A certain amount is allocated and what is not spent under the head should be allowed to be spent on education.

MR. COOKE: I have been asked to find out whether the hon. member would in a few words tell us the position in regard to the Moslem Institute in Mombasa and the Arab boys school, when they will be completed and ready for use.

MR. BLUNDELL: There is one aspect of education to which I wish to refer, and I do not apologize for not putting it forward when we moved these motions on the various reports, because I do not think it would have been very suitably introduced then. It is this one aspect only—provision of education overseas, especially for Europeans and Indians. I have already discussed it with the hon. Member for Education and I think it is only right—as it is a major issue and would affect everybody that I should just mention what I have in mind now before this Council.

Apart from a small sum in bursaries for overseas education for Europeans and Indians, it is very difficult for members of those communities to get overseas training to give them the qualifications for technical posts, or indeed for posts occupied by hon. members opposite, and I have put forward to the Member for Education a suggestion that we should seriously consider a policy of loans, the loans to be of two kinds—those advanced to parents against security such as a householder who has a house. There must be numerous citizens in this Colony

[Mr. Blundell] who have some small security which is not easily liquidated such as a house which they could pledge as security for a loan for the education of their child overseas, for a university education, and those people, I think, would be covered by some form of security against their asset. Secondly, I should like to see loans carefully arranged so that people without a security could borrow money for overseas education against an undertaking that, from the fees which the child will subsequently earn the loan, would be repaid. In the latter case, as the State would be making a very generous gesture, I think the candidates would have to be very severely selected by a local professional body here, such as the local Medical Association or the local legal set-up. The children could then go home for their education and upon returning here—I think in the majority of cases they would return here—they could repay the loan.

Now the two things in that case are that the students should be carefully elected by the local body and, secondly, that the proposed students should have the right qualifications and intelligence generally to benefit from the loan. I mention that, because at first glance this may well appear an expensive item. I would emphasize that it would come back to us a hundred fold if we provided education, which we do not now provide, on a reasonably easy basis for ourselves; and secondly, I do not think, naturally, that every European child or every Asian child could benefit from it because they would not have the necessary mental equipment probably.

Lastly, why I have not mentioned Africans in this is simply because up to a point they are better off than the local European or local Asian child, in that they can go up to Makerere and get a qualification which at the present time, except for bursaries in the estimates, is denied to members of other races. I mention it here, sir, in the hope that hon. members will be able to give it sympathetic consideration, because I think it would be a solution of a very difficult problem, the problem being this—how to provide university education for the races out here with the available resources at our command, bearing in mind the expensive capital provision which would be necessary for

building and the difficulty of obtaining adequate teaching standards.

Now, I think that, my suggestion of these two forms of loans, if favourably considered, would meet that point.

MR. THORNLEY: Mr. Chairman, on the point made by the hon. Member for the Coast, I am not quite certain that I can give him the precise date, but my belief is it is the intention formally to open the Moslem Institute in Mombasa during the month of March next, and the Arab secondary school will be opened at the same time. It is the intention that the secondary school shall move into occupation as soon as that opening has taken place.

The hon. Member for Rift Valley has been good enough to give me advance notice that he proposed to raise this matter of loans for educational purposes, and I therefore have been able to have a preliminary discussion on the subject with my hon. friend the Member for Finance. There are, however, as I have mentioned to the hon. Member for Rift Valley, financial difficulties which my hon. friend sees at the moment in accepting the proposal which has been put up, but he has of course indicated his willingness with me to discuss the matter further. With my hon. friend I hope we will be able to arrange for that discussion in a short time.

The question was put and carried.

On motion made by Mr. Patrick and question put, items 34 to 111 were approved.

MR. PATRICK moved: That items 112 to 140 be approved.

MR. SALIM: I should like to take the opportunity of expressing our gratitude to the Government for the new Arab boys secondary school which is now being built in Mombasa. It is well known that education has become a matter of prime importance, and Government has assumed a large share of the responsibility to see that a high standard is maintained. The school is being well-built and accommodation for large numbers of students is assured. But what is of prime importance in this or any school is a qualified staff to teach and train the pupils, and not merely to instruct them but to prepare them fully to take their places as useful citizens in the life of our country. (Hear, hear.)

The question was put and carried.

On motion made by Mr. Patrick and question put, items 141 to 208 were approved.

MR. PATRICK moved: That items 209 and 210 be approved.

LADY SHAW: May I ask whether we can be given any information as to when this technical institute is likely to be started?

MR. THORNLEY: Mr. Chairman, I should hate to commit myself to any precise date about this, but I would like to say that we are going ahead with the proposals in the Willoughby Committee Report as soon as we can, and we are only waiting now for the appointment of a supervisor in technical education—I am informed the supervisor has now arrived—to advise us in regard to the details of getting on with the recommendations in the report.

The question was put and carried.

MR. PATRICK moved: That Head 31A be approved.

The question was put and carried.

#### Head 32—Information Services

MR. THORNLEY: Mr. Chairman, I beg to move: That Head 32, Information Services, items 1 to 31, be approved.

In moving this motion I would remind hon. members that here again a select committee is at present sitting and considering the whole question of the set-up of the information services in this Colony, and it naturally follows that these estimates also will automatically come under review when that committee has submitted its report and the report is under debate in this House.

MR. VASEY: In the absence of the hon. member for Trans Nzoia, on behalf of the European Elected Members Organization I wish to say that we, too, recognize that with the select committee report pending on this item it would be a waste of time to discuss the policy of the information services. Therefore, we wish to follow exactly the same procedure—not to enter into any discussion or debate on policy but to state our caveat that we neither accept nor reject any items of policy herein included.

The question was put and carried.

#### Head 33—Labour Department

MR. HYDE-CLARKE: I beg to move: That Head 33, items 1 to 23 now be approved.

Unlike my two predecessors on the two previous votes, I am not sure whether to be pleased or miserable about the fact that there is going to be no inquiry into labour, but I understand it is the wish of the Committee that there shall be a debate at the present stage on labour, and I will try and cover some of the points which I think need to be covered.

The labour vote will only account for about 1 per cent of the Colony's annual expenditure, but it does seem to occupy 99 per cent of the minds of a great number of people throughout a great part of the year. I want to try and clear up some misconceptions which I believe to exist and in doing so I will endeavour not to cover any of the ground which my colleague, the hon. Member for Education, covered in the original part of the debate. If I understand the position properly, the theme of the present debate has been this—that we have certain commitments as a State which have to be paid for. Quite apart from any new commitments our own original commitments are growing and they have got to be paid for. We have only two sources of wealth, the land and the people, and what we have got to try and do is to marry those two so that we bring that source of wealth in to pay for our commitments.

By that, I must mean one thing only—that is, that our main source of wealth must be the work of the people on the land. That gets straight back to agricultural production. In the earlier part of the debate the point was mentioned that in order to increase production we have got to have either more labour or better labour, and I have a very firm conviction that the answer lies in the second. I will deal first, as I have been requested to, with the question of the possibility of more labour, because it does have a bearing on what I will say later. It is a fact that it would not be impossible to find sources of labour for Kenya outside the territory, but I think it is proper that I should describe this very briefly, because it holds at once a possibility and also a warning.

[Mr. Hyde-Clarke]

In a state which is not much larger than Nyanza Province which lies to the south-west of Uganda, there are nearly as many people as in each of the separate territories of Kenya, Uganda and Tanganyika. I want to emphasize that. In a small area you have four million Africans, which is getting on for the same size as the total African population of either Kenya or Uganda or Tanganyika, and what that means there is what we have been saying so often here—that in that state (and for the first time I have come across it in Africa) you have to work in order to exist. It is not so in these other territories at the moment. There is no doubt that with the deterioration of soil and increasing population this state will come about, but there is a philosophy of work inherent in the minds of those people which is absent from the minds of our own people, through no fault of their own but through sheer differing physical circumstances.

If anybody goes there, and I hope it will be possible later to take some of our African leaders, they will find how an African can work and what it means—not because of the administration of that state but because of the sheer fact that you have got four million people cooped up in a very narrow area. Every hill-top there is cultivated to its utmost extent. Every swamp is full of sweet potatoes. A drought there does not mean near starvation or tightening belts, it means death. An epidemic does not mean hospitalization or medical treatment, it may mean or has meant quite recently a death rate of up to 55 per cent in certain areas. These people do at the moment go out to work in Uganda, about 80,000 a year, but they do not work for non-African employers; they work mainly for the African employers. A few of them go to Tanganyika and we have, in fact, 500 in this Colony. But the danger lies in this—that the Government of Uganda has found it necessary to spend something not short of £100,000 on transit camps, on hospitalization and various other services which a somewhat impoverished and an undernourished people require when it comes out of its own place.

I would not like to see us have to import that type of labour with the

additional hospitalization and so on that would be necessary, but if we cannot cure the present position of poor output, it is only fair to state, and I must state it as a warning to our own Africans, that it may be necessary in order to put up our agricultural production to resort to that method. I think it would be quite the worst answer, but it may be necessary to do so.

On the subject of better labour, there are a great number of aspects, but I propose to deal only with what I regard as the five most important, which are personal relations, supervision, food, housing and, lastly, wages. Before doing so I would draw attention to the labour pattern of this Colony. We have at the moment 10,000 Europeans in employment, 22,000 Asians, and 400,000 Africans. There is an overlap which occurs at certain levels. The figures we are most concerned with are the African figures, in agriculture especially. Of the 400,000 in employment, 85,000 are in Government, 100,000 in commerce and industry, and 200,000 in agriculture. That latter figure is: 120,000 men, 40,000 children, and 30,000 women. In view of the many general statements made on labour, one point must be quite clear, that whatever is said about rural employment does not apply to urban employment; the two divisions are quite different.

Taking the first point, personal relations, my experience is that the personal factor in agriculture and in rural employment, is probably most important. Many people have said, quite rightly, that you must improve conditions, housing, food, and so on, but my own experience has been that in many estates where these conditions are not ideal but where the personal relationship factor was good, that more than makes up the balance. On other estates where food, housing and wages are good, there is a bad personal relationship and therefore no production. I think, therefore, my first point so far as rural employment is concerned must be the personal relationship factor.

I do want a more constructive outlook on this whole question, and I wonder if the significant figures I have given and which were given by the hon. Deputy Chief Secretary, have been properly appreciated.

[Mr. Hyde-Clarke]

We have to-day 400,000 Africans in paid employment. There has been no pressure, as in the other territory I was talking about, either economic or administrative, to bring that 400,000 into employment. It can only mean that, generally speaking, the relationship between employer and worker must be good, otherwise those people would not be in work. It is a point that is quite insufficiently appreciated, either inside the country or outside. I want to pay a tribute to both parties in that partnership: to the African, who is generally willing and cheerful, even though not imbued to any great degree as to work being a necessity but without whom none of the developments we have before us to-day could possibly have taken place, and perhaps more so to the European whose initiative, enterprise, diligence, and good humour, despite a hundred and one thousand irritations, has brought about that happy relationship between the two parties. We have got to that position to-day in less than 50 years—in five decades, less than two generations—we have 400,000 Africans in all sorts of occupations, from unskilled to carpenters, masons, drivers, tractor drivers, teachers, clerks, and even to Legislative Councillors! None of that could have happened unless real good relationship between the parties most concerned existed.

But there is a danger at the present moment that that relationship is beginning to deteriorate, and it is essential, I think, that we should try and hold the position and improve it where we can. It can only be done if there is recognition by each party of the difficulties of the other. By reason of the very fact that an employer is concerned with the economic side or output of his labour and by reason of the fact that the labourer is more concerned with the personal side, there is a possibility of misunderstanding straight away, and I am going to ask that on the employers' side we can ask employers to do all they can to develop the matter of personal relationships and, on the part of the workers, to realize the difficulties of the employers.

In the urban areas personal relationship is not practicable, it cannot be the same as between a farmer and his workers, and as you get more and more into industrial employment that relation-

ship gets more and more remote, and we have to find some sort of machinery to take the place of the very good relationship existing outside. That brings me to the whole question of industrial organizations, which means employees' federations, staff associations, trade unions, whatever the aspect may be. We have got to achieve a stable and contented labour force, because, without stability and contentment we shall never do anything to increase our output. We do what we can in my department to improve these relationships, by direct intervention, but it is not our proper function, and we prefer to see it done by proper organizations and staff associations and, in fact, personnel management in all the aspects of that subject.

This brings me to the question of trade unions. There are misconceptions on this point also, and I think it proper to bring the attention of members of this Committee to certain fundamentals. In the United Kingdom the trade union movement sprang from the necessity of employees to protect themselves against exploitation by employers at a time when there was a great deal of unemployment. In other words, at a time when there were far more people than there was work. The reverse is the case in this country and in any developing country; there are far more jobs open than people to fill them, which means that if we are really logical the only sort of trade union we should have here is a trade union among employers, but I do not suggest that too seriously! Even in the United States the trade union movement did not gain any momentum until the first post-war depression because until then their labour was on a seller's market.

It is in my view essential that we should get our industrial organization on sound lines at the present stage. I have shown how in one territory work has become a necessity to exist, and I have suggested on many occasions that the same is going to apply in this country in the not very distant future. We therefore want to see our industrial organizations going along smoothly before it becomes a sheer necessity for one of the parties to develop it in order to exist. When we get to that stage we shall get a lot of bitterness and ill feeling and

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all those things which tend to depress output rather than increase it.

I want to make one point absolutely clear in case I am misunderstood. We are heartily behind the growth of decent trade unions, but as completely opposed to their use for personal or pecuniary advantage of political demagogues who are only interested in their own advancement and are not interested in any way in the ultimate benefits to the workers themselves whom they delude. (Applause.) We are conscious of the need to overhaul our approach to this particular subject. It is a most difficult subject. We have done what we have done in good faith, but it has not had the results we had hoped for, and it is quite clear that the time has come when we must look into that whole question very carefully.

So much for personal relations.

On the question of supervision I will not delay hon. members long. It is not reasonable, I suggest, although the point has been made on the other side on a number of occasions, to suggest—considering the fact that employment in a cash economy is so new to the worker—it is not reasonable to suggest that he can be expected to work without supervision, and I am going to suggest that one of the approaches we can make to better the labour, that is towards increased output, is to have very much better supervision. On many occasions my officers and myself have had to deal with this sort of complaint: "I gave my boy a task at 6.30 or so and when he stopped at 12 only a quarter had been done". I am sorry to say that the African does require supervision. In fact, it is inconceivable to me how you can expect in the early days of cash economy a fairly primitive people—do not misunderstand me on this—to work willingly for some third party, except with either the stimulus which comes about when you have to work in order to live or a great degree of supervision.

In the urban areas the position is slightly different and is capable of more scientific examination. A recent examination by time and motion study experts in the East African Railways and Harbours has shown how it is possible to put up output by no less than 50 per cent without the African himself having done a single extra hour of work—

merely by getting things planned properly, by getting your engines laid out in a certain way, by reducing the amount of unnecessary movement from one store to another store, from the store to the workshop itself, and so on. They have in fact over the last 18 months put up their output in the Railway workshops by 50 per cent through proper planning. I do suggest that that is an approach which must be made in industrial employment, which is that the employer or management side must be quite satisfied, before complaining that output is poor, that from the management side the maximum possibility is there.

On the third subject, feeding. I do not wish to say very much and especially I do not want to talk about the individual worker. I would rather draw your attention to the necessity for giving great care and thought to the question of feeding the African population as a whole. In, if I may say so, the extremely stimulating speech of the hon. Member for Rift Valley, he made it quite clear that we must have careful agricultural planning. I am not suggesting we have not got that at the moment, but I want to emphasize what he said. He also said that it was clearly desirable to move from cereal production towards animal production, and I am absolutely convinced that from the point of view of African labour and stimulating his output, that is essential. The thing we have to do is to see that the right amount of the right sort of food is made available, and by the right sort of food I mean the right sort of food not only from the point of view of the consumer but also of the whole agricultural plan of the country.

I do not know whether hon. members realize what the consumption figures are, but I think I ought to give them. At the moment to feed the African working population we consume 100,000 tons of cereals a year, 15,000 tons of meat (if it were there), some astronomical figure in regard to milk, if it was available. In one area alone, the small area of Kericho and Sotik the present consumption of milk is 300 tons a year. That could be increased if it were available. Three and a half thousand tons of ghee, or edible oils, and 10,000 tons of ground-

[Mr. Hyde-Clarke]

nuts, if they were available; 20,000 tons of vegetables and 4,000 tons of salt. These figures are worrying to us because we are terribly conscious of the fact that one of the most important factors in a contented, stable labour force, leading to an increase of output, is the question of availability of cheap African foodstuffs.

I do not intend, as I said before, to spend too much time on this question because we spoke about it before and a very great deal has been done about it. A great deal has also been written about it, and I would draw the attention of anybody who is interested to an extremely interesting article written by my hon. friend the Acting Director of Medical Services when he was in the Army, which appears in the *East African Medical Journal* of July, 1943. The point he made there was that under supervision providing the African soldier with a proper diet did not mean so much an increase in output as the possibility of sustained output. It is not enough just to increase the output, to have a spurt and let it die away. The point I took from my hon. friend's article is that a balanced diet did mean sustained output, which I think is every bit as important.

Before I finish the subject of feeding I want to say one thing only, and that is on the question of wages. I do want the position understood, that if we are going to change the agricultural plan, as my hon. friend the Member for Rift Valley suggested, by economic inducements and not by direct administrative control—that is by price fixing—I think I must ask him to agree with me that the wage factor must be taken into consideration when prices are fixed.

On the fourth subject, housing, I want to say this. The position in the rural areas has improved a very great deal, except, possibly, for temporary camps on road works. A great deal has been done recently by farmers in improving their housing for African labour, a great deal has been done especially by the Trans-Nzoia District Council in housing its own labour, and I think the hon. Member for African Interests, Mr. Ohanga, who accompanied me recently on a tour through the Trans Nzoia, will

bear me out on this point. But the urban picture is very different. By far the most important factor in contented labour in the urban areas, and therefore the most important factor in output is, to my mind, the question of housing, and of housing on a family basis. The question as I see it is this. Until the African industrial worker is assured of as great a degree of social security at his place of employment as he gets in his own native reserves, he cannot be expected to be a stable and contented worker. I think the biggest single factor in that is housing on a family basis.

The problem is something like this. In order to develop a country you require workers in a particular area; you require to shift them from one place to another. When you shift them you have got to provide housing and food for them. When you bring them, together in close communities you have got to insist on a much higher standard of housing than would be really necessary in their own areas or in scattered rural areas, and that means that you have got a much more expensive type of house to deal with. Somebody has got to pay for that, and it is a most difficult subject. It cannot be the worker himself, I suggest, because he can only do so if you increase his wages. But to increase wages without the possibility of increasing output, or without an increase of output, is completely unreal, and throws agricultural wages out of balance. I doubt whether it should be the employer, because in urban areas where you are dealing mostly with secondary industries and industrial concerns, I suggest it is a completely crippling factor for a young and growing industry if the first thing it has to do is to put down some hundreds of thousands of pounds capital in providing housing for the people who are going to work in it. Therefore, there is some case for subsidized, or what is known as sub-economic, housing. I am well aware that Government realizes that this is an important matter. I am also well aware that the hon. Member for Nairobi North, as a municipal councillor, has taken the matter up and that he himself has been appointed as a one-man commission on this very subject.

I feel it desirable, before I finish, to bring to your notice the position in Nairobi, merely in order to stimulate

(Mr. Hyde-Clarke) discussion, and, I hope, to assist him himself when he starts his work—(Mr. VASEK: Started!)—as he continues his work. We heard the hon. Member for Law and Order say that 50 per cent of the crime of Kenya occurs in Nairobi. Hon. members will remember that a distinguished predecessor of his, Mr. Foster-Sutton, pointed out that at least part of the trouble comes from this lack of housing. The position is that of the 100,000 Africans now living in Nairobi rather than 55,000 are accommodated; a great many others are outside in the adjacent reserves: a great many others are living in all sorts of shanty towns, and if we are going to avoid the social evils and crime and all that has happened in South Africa, then I hope we can get the united support of the entire community for the hon. Member for Nairobi North, and I hope that he will be able to find some solution.

There are three which occur to us, and they are not by any means original. We must make provision for the development of areas throughout Kenya, not only in Nairobi, where the African can become the owner of his own house (applause). I mean in trading centres and the native land units themselves. In fact, I should like to see quarter-acre plots in urban areas, in up-country towns and trading centres, and especially in the reserves, where the African can become the owner of his own house. That is the first stage towards this vexed question of social security. Secondly, in planning our industrial development it may be desirable to move some of our industries to the area of densest population rather than to move the population to the industry. This is a matter very much in the mind of my hon. friend the Member for Commerce and Industry and very much the subject of study by the Board of Commerce and Industry, but it is a point which must be investigated, and investigated soon. Thirdly—which is also one of the terms of reference in the appointment of the hon. Member for Nairobi North—he must investigate the possibility of building a new African town at a much lower standard than is necessary for the city proper, not very far from Nairobi. If we cannot answer this question quickly, then you can put paid to the question of better output because relations will deteriorate,

as they have in other parts of the world, to such a degree that there will be no question of employment or wages or output; it will just not exist and there will be riots and revolution.

On this very question let me give you one small point for consideration. For the last 600 rooms which have been built in the Nairobi Municipality for Africans the rent which has to be charged at the moment is Sh. 28/6 per room, and in the room there is what we call living space for three people. That means, on an individual basis, a rental figure of Sh. 9/6 per head. On a family basis of Sh. 28/6 those figures, I think, speak for themselves. No blame attaches to the people who had to impose them, but they are not going to find the right answer for our housing of labour in this town.

The last of the five points I have tried to make over the question of improving output is this question of wages. Like all the previous ones it is extremely contentious, but is not one I think we ought to omit. I said last year, mainly in regard to employment in rural areas, that, having regard to output, I was reasonably satisfied with the standard achieved. Let me repeat that, I said then that in relation to output I was reasonably satisfied with wages at the moment. But no one can be satisfied to let the matter rest there. We have in this Colony, I am sorry to say, large uneconomic labour forces, earning low rates of pay and costing a very great deal more in housing, supervision, accommodation and feeding than is really necessary, and until we can reduce the amount of uneconomic labour we shall not have found any answer to this problem of output. We want to lift the whole economy of the country beyond what it was when large numbers of people were working two and a half, three or four hours a day for very low wages. In that matter, as my hon. friend the Member for Finance has said, the employer himself is partly to blame. There are people who have a large labour force, who can secure a large labour force because they do not make them work; they are frightened to work them harder because they will lose them, and I think it is absolutely essential there should be a greater degree of co-operation among farmers on this point. A very great deal of work is being

(Mr. Hyde-Clarke) done by the Kenya National Farmers' Union in consultation with the various farmers' associations and with my own department, in reviewing the whole question of agricultural wages. I have here merely as an example something which has been done. The South Kinangop Farmers' Association have laid down terms and conditions of employment starting with something like Sh. 18 plus rations. Now if we can get more and more of these agreements going I shall be quite happy with regard to the position of agricultural wages.

There is a point which I ought to make at this stage, and that is that the total wage bill of the country in cash wages alone for African labourers is £7-million. The division of it into wage groups is important. The main divisions are: agriculture, private and industrial employment and public services. I will read them in that order for the three years, 1946, 1947 and 1948, showing the average monthly cash payments: 1946—agriculture, Sh. 12/50; private and industrial employment, Sh. 30; public services, Sh. 30. 1947—agriculture, Sh. 15; private and industrial employment, Sh. 37 (per head per month); public services, Sh. 32. 1948—agriculture, Sh. 16; private and industrial employment, Sh. 42; public services, Sh. 43.

In agriculture it must be remembered that the greater bulk of people are fed and housed at an approximate cost of another Sh. 18 or so. That brings you to something over Sh. 30, and I want to make that point to dispose once and for all of any illusions that any African is working for Sh. 6, Sh. 7 or Sh. 10 a month, as was mentioned by my hon. friend the Member for African Interests. Even if he was referring to what we know as resident labour, the average wage for resident labour is Sh. 13 and his average income from his grazing or his agricultural working on his plot made available to him is something in the order of anything up to Sh. 200 a month. I hope this will dispose once and for all of any suggestions of the African having to work for Sh. 5, Sh. 6 or Sh. 8 a month.

The next thing I want to say about wages—I am still talking about agriculture—is this. Especially in the plantation industries there exist to-day a very

large number of bonus schemes. I said earlier on that what we want to see is an advance in wages, but we cannot see that unless there is an advance in output. On this question there are a hundred and one different schemes in which the African can participate and earn more money. We published a great many of them recently—in sisal, in tea, in coffee; in anything practically you like to mention there is the possibility that, if the man will do more work, he will get more pay. It is grievous to me to hear on so many sides that when these extra wages are offered they are not acceptable—the Africans do not participate. I will go back to the original reason, and that is that the African at the moment pays greater attention, or rather gives more cash value to leisure, to sitting down, than he does to the cash he can get in exchange for more output, and we simply must do what we can as soon as we can to educate the African in basic economics on that particular subject.

There is a great divergence between the employer and the African on this very subject. The employer's attitude has been: "My labour costs have gone up a great deal; admittedly wages have not gone up a tremendous amount, but the cost of keeping them—cost of food and housing—has gone up a great deal". The African's attitude is: "My wages have gone up a very little but I do not count the cost of food or housing as part of my emoluments". A thing we have got to do very quickly is to bring that home both to the employer and to the African. I shall suggest measures by which we can do so at a more convenient time. I do want hon. members to think on these lines. You have this postcard, which many people think a great nuisance. What I would like to see is this: "Basic Wages" in the first column; "Value of Housing" given in the second; "Value of Food" given in the third; and "Total Emoluments" on the extreme right-hand side. The effect of that will be this, that if a man is a Sh. 17 chap on a farm he is really earning something like Sh. 30. It will reduce the apparent difference which exists between rural and urban employment to-day, and ought to give the man a feeling himself of being of greater value to the community than he thinks he is. It ought also to bring home to some lazy farmers

{Mr. Hyde-Clarke} what their labour costs really are—I do not believe they know what they are.

On the question of urban wages the position is somewhat different. We have in the major urban areas of Kenya a minimum wage which is imposed by Government on the advice of the Standing Minimum Wages Advisory Board. It is a minimum wage below which no unskilled worker may be employed. It is a foundation upon which all other wages are built. To my mind it is an extremely sound policy. Built up on that foundation we have now managed to negotiate some 40 individual agreements, and I think it is one of the most important developments in this question of better labour and increased output. By putting down on paper the various conditions of employment we have been able to pinpoint disputes in those particular firms, not to a general sit-down strike, but to a statement that this item or that item is or is not being given in sufficient quantity, and I believe that is an extremely important development for this country.

Sir, the problems I have touched on do not by any means exhaust the subject. There is the whole question of education policy—that has an effect on other labour. The whole question of—dare I say it?—the freedom of the Press has a great deal of bearing on labour policy. A great deal of bitterness is flung into the arena in our Press. There are other aspects, too, much more akin to my own subject—trade testing, apprenticeship systems—all of them are aimed by my department at better labour relations, stable and contented labour, in order to get more economic value, in order to lift the whole standard of the country—not only of the employers but of the workers themselves.

On the question of my own vote I would like to say this: the total provision is £108,000 which reflects an increase of £17,000 over the previous year. The figure comprises £8,000 for an increase in salaries and increments, which is one of the growing commitments I referred to earlier. It comprises an additional £5,000 for resident labour inspectors, a direct increase made at the request of the unofficial community. The whole question of resident labour inspectors is a difficult one. I doubted for

a long time if it was a proper responsibility for the labour department, but it has been put firmly on our shoulders and we do what we can to make it effective, but that £5,000 is an increase asked for not by us at all. The only other figures of any significance are £2,000 for two additional posts, new posts, of assistant labour officers, and four more African inspectors.

Now a good deal has been talked in this debate about top-heaviness. I am trying to widen the bottom of my department a bit. These assistant labour officers provide a place for Kenya boys. We have got two or three Kenya boys in at the moment and they are doing extremely well, but I would like to have that standard of salary, which is £550 to £840, available for assistant labour officers. Those we can recruit locally, and see what use we can make of our own local material. So far as the African inspectors are concerned, we have, even at the moment and I have asked for another four. They are doing extremely well, especially on the question of the control of juvenile employment, and I am very anxious to extend our activities in that matter, and I hope the Committee will support me in this particular increase. £8,000 and £5,000 is £13,000 and £2,000 is £15,000.

The only other thing, to bring it up to £17,000, is an increase in local transport and travelling. We have found it absolutely essential, in order to do our duty, to be able to get about quickly. Even now we exercise pretty close care over our transport, but those are the figures. The £17,000 is made up in that way, and if you will remember that £29,000 of the £108,000, nearly a third, is to do with central administration which is not a labour matter, and another £14,000 is to do with resident labour inspectors, which is not labour, you will find the Labour Department proper is costing something in the vicinity of £64,000. I hope it is not regarded as an extravagance.

Finally, I would like to say this. I will give you a quotation, if I may. Professor Bernal in his book *The Social Function of Science*, has said:

"As the general framework of civilization becomes more complex, the importance of adequate administration and control becomes crucial.

{Mr. Hyde-Clarke}

Anarchic private interests on the one hand or stupid bureaucracy on the other can destroy most of the potential value that might accrue from technical advances."

If I admit at once the possibility that there may be stupid bureaucracy in my own department—I will not go outside that—can I now ask employers especially to submit to a degree of co-operation and control and to be less anarchic, and can I not ask the worker to realize that the increased services which he wants, the increased personal benefit which he wants, is in his own hands? Sir, it has often been said on the floor of this Committee that we are united in a common endeavour, and I wholeheartedly support that. It seems to us in the Labour Department that our best contribution to this common endeavour is to continue to live up to our own motto, which is to try and secure a fair day's work, with all that that means, with a fair day's pay.

MR. COOKE: If no-one else is prepared to speak I should like to. While I agree with a great deal which the hon. gentleman has said, there are two generalizations with which I must find a certain amount of fault. To begin with, the hon. gentleman I think made a slight inaccurate statement when developing his argument at first. I understood him to say, or to indicate, that the population of Tanganyika was the same as the populations of Kenya and Uganda. Of course that is not correct. If the hon. gentleman did say that—

MR. HYDE-CLARKE: On a point of explanation, I was referring to a territory outside the three East African territories with a population of nearly four million. I understand that the East African territorial population is five million Tanganyika, five million Kenya, and four million Uganda.

MR. COOKE: I think the hon. gentleman is incorrect. It is a small point, but Tanganyika is seven million.

The first generalization which I wish to criticize was that he said—and I hope he will correct me if I misunderstood him—that good relationship was the main means of attracting labour. I agree entirely with the hon. gentleman that the relationship between employer and em-

ployee in this country is extremely good at the present moment, and so I do not quarrel with that assertion of his. But I do say, and I have always understood my hon. friend to be a realistic person, that there are other contributory factors to the attraction of labour from the reserves. One, of course, is shortage of food which drives populations out. Another is the necessity to pay taxes. Another is the necessity to pay what is called a dowry. Another is the natural desire to have better clothing and better education. So I think these factors should not be omitted in any summing up of the situation.

I do not think I can agree with the hon. member either when I understood him to say that the personal factor between employer and employee was mainly of importance in rural areas. Well, I cannot agree with that either, because in the towns to-day there are great industries, and indeed great corporations like the Railway and also the Public Works Department, which employ so many thousands of Africans and where the personal factor is just as important as it must be on the farms.

To conclude, there is one point which a great many people seem to overlook in this country. I understood the hon. gentleman to indicate that there was no unemployment, or very little unemployment in this country. Well, that is true to a certain extent, but I think my hon. friend the Member for Commerce and Industry will agree with me that there is a great deal of what economists call concealed unemployment. Concealed unemployment is the type of unemployment which prevailed in Central Europe, and still to a great extent prevails there, and it is of very great economic importance. You may see Africans cultivating their patches in the reserves, but a good deal of it is uneconomic because they are wearing out the land. If that land was not there and if the reserves were not there as a refuge, they would have to drift into the towns where it would no longer be concealed but would be real unemployment. There is also on farms a certain amount of concealed unemployment, because where a farmer employs more labour than is absolutely necessary to cultivate his farm, it is really a form of unemployment.

Therefore what I want to draw from my remarks is that when the hon. mem-



[Mr. Cooke] ber talks of bringing labour from a neighbouring territory (I suppose he meant the Belgian Congo), he should first—and I am sure he realizes this himself—see that so far as possible the concealed unemployment in this country is dealt with. I think that would be a factual way of approaching this problem.

I must join with hon. members who applauded the hon. gentleman so greatly to-day for his very fine speech, if I may say so. I understand there is a possibility of the hon. gentleman perhaps not being here this time next year. I am not in the secret, but I should like to congratulate him very heartily on his speech. (Applause.)

MR. HOPE JONES: Mr. Chairman, while the very brilliant, able and comprehensive speech of my hon. friend the Labour Commissioner is in my mind, I should like to congratulate him and his department, and also to underline one or two things which affect my side of the Council very closely, and, while they do not affect them now, will affect all hon. members in the comparatively near future.

I wish to refer to the very important and valuable service which the Labour Department is performing in relation to the growth of industrial and urban employment. Whether we like it or not, industrial development in this Colony is on the march. The numbers employed in industry rise month by month. To demonstrate my point I need only mention one project which is at present in the developmental stage, which, when it reaches fruition in a comparatively short space of time, will be situated near one of the most populous reserves, and will employ no less than 7,000 Africans, over 200 Europeans, and some hundreds of Asians. That is merely one project, which is what I mean when I say that industrial development is on the march. What I want to say is that the Labour Department, in preparing the way to what we all hope will be harmonious and useful labour relations for the economic benefit of this country, is carrying out a job that is directly productive in itself. It is not a frill, it is not a luxury, it is a necessity.

Now, there have been occasions when I have disagreed with my hon. friend;

there have been occasions when those interests for which to a certain extent I must speak I have also disagreed with my hon. friend, but it has always been on matters of detail; it has never been on the fundamental point that this service on the industrial and urban side which is provided by the Labour Department is just as essential to the productivity and wellbeing of this country as, shall we say, the soil conservation resources or water resources. But for those harmonious labour relations we would not be in a position to add, as I was saying only the other day, the value of man's labour in manufacturing processes to the fundamental basic value of the products of the soil. So I would make the plea in as strong words as I possibly can that the Labour Department is a productive service. Unless it is run in the very able way my hon. friend has run it in the last few years, you would be faced with chaos of an industrial nature, and chaos of an industrial nature means no production, and no production means that the new economic basis without which this territory cannot achieve its destiny will not occur.

I beg to support.

MR. HYDE-CLARKE: Mr. Chairman, I am very grateful for the support which has been given to my department, both by hon. members on the other side and by my hon. friend the Member for Commerce and Industry.

The hon. Member for the Coast has taken me up on just three points, which I can dispose of, I think, fairly quickly. Naturally, I agree with all he says about the stimulus brought about by shortage of food, the need to pay taxes, dowries, the desire for education, etc., but I still believe that the personal relationship is the dominant factor in this employment.

Secondly, he took me up on the question of the personal factor being important only in rural areas. I am sorry if I appeared to say so; I did not mean to convey that impression at all. My point was that the personal relationship factor is direct in rural areas, but as you get into industry it becomes more and more remote, and it is all the more important to devise means whereby that personal relationship shall not be lost; hence the industrial organization.

[Mr. Hyde-Clarke]

On the third point, I hope he appreciates that the very purpose of my introducing the subject of the possibility of the importation of outside labour was to show that I regard it as a most disastrous policy and that it would be a shame upon the African workers of this country if we had to do so.

MR. MATHU: Mr. Chairman, there are very few points on which we disagree with the hon. member who has moved his motion in a most admirable manner, but there are a few I should like to stress.

I entirely agree with him that this question of personal relations is a fundamental factor in harmonious labour relations in this country, and indeed in any other. The African is very finely strung in regard to the way his employer looks at him. The very look on the face of the employer in the morning may change the whole outlook of that particular person on that day, without a word being spoken. They are very, very finely strung in that way. The second thing which the African is very particular about is the language. You may not touch the person, you may not hit him, but the way you speak to him, the intonation—let alone using bad language as unfortunately some employers do—that again puts the African off completely. He cannot do any work that day. He would even rather be beaten up than have had bad language used. I mention these small things in connexion with the improvement of labour relations between employer and employee which would help tremendously in this country if they were removed.

The hon. member has mentioned the question of trade unions. There is a feeling among African labour trade unions that the Labour Department and Government, and the unofficial European community—I want to be very frank here because I want to get an answer from the hon. Member for Labour, so that I can tell them that the whole impression is wrong—that there is a tendency in the Labour Department to discourage trade unions; to encourage Whitley Councils and staff associations, but to discourage proper trade union movements, from now anyway. I suppose that when he talks about sound trade unions or decent trade unions if

implies that there are some which are unsound, some which are not decent (hear, hear), and it is very important that we should be very clear on this point.

What concerns me about the trade union movement is this. The Government of this Colony is committed to encourage the trade union movement. We have got the rules to make the whole thing legal. I feel personally that it is important that the trade union movement should not be hampered in developing the functions that are performed by good trade unions. I should like to know exactly whether the impression of the African is correct or wrong, that there is a tendency now to discourage the growth of the trade union movement among Africans, particularly in Kenya.

The other point is a point on rations and the feeding of labour. I personally have been opposed to the present system where you give a labourer a basic wage of Sh. 16, if you like, and then give him *posho*, so many pounds per day. I think it is a very demoralizing system. I would like a fellow to get a full wage, what he is due. Let him buy food for himself. Why spoon-feed him? I should like to plead with this Committee that the Labour Department should in its development policy see whether it cannot get employers to change that system. In that I also include the question of housing. Pay him the full wage and let him pay the rent in cash, because you cannot teach him sound economics by saying the value of rations is so much, the value of the house so much. I entirely disagree with the present state of affairs in regard to that point.

THE CHAIRMAN: Will the hon. member have regard to the time, or is he going to be much longer?

MR. MATHU: I have two other points, and may take longer than a few minutes.

MR. RANKINE moved: That Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Thursday, 22nd December, 1949.

**Thursday, 22nd December, 1949**

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 22nd December, 1949.

Mr. Speaker took the Chair at 9.30 a.m. The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 21st December, 1949, were confirmed.

#### PAPERS LAID

The following papers were laid on the table by Mr. Hobson: Immigration (Control) (Amendment No. 2) Regulations, 1949, and the Immigration (Control) (Exemption) (Amendment) Regulations, 1949.

#### ORAL ANSWERS TO QUESTIONS

No. 72—LIQUOR (AMENDMENT) ORDINANCE, 1947

MR. OHANGA:

Will Government consider amending section 2 (1) of the Liquor (Amendment) Ordinance, No. XXIX of 1947, to enable licensees to serve non-spirituous drinks for consumption on the premises?

MR. THORNLEY: Consumption by Africans of intoxicating native liquor on licensed premises is governed by the Native Liquor Ordinance, 1930, and the Native Liquor (Amendment) Ordinance, 1947, contains provisions for the sale and consumption on the premises of non-spirituous liquors, other than native liquors, in canteens or hostels established by local authorities.

Government has no present intention of amending these provisions or the provisions of section 2 (1) of the Liquor (Amendment) Ordinance, 1947.

MR. COOKE: Mr. Speaker, arising out of that, surely it is preferable for Africans to consume liquor on the premises than in the street outside? Could not Government give it some serious consideration?

MR. THORNLEY: It is not correct to say that Africans have to consume their liquor in the street. They can do the same as I do: go to the grocer's and buy a bottle of beer—I do not drink it in the shop or on the pavement outside, but take it home. (Laughter.)

MR. COOKE: The African has no nice home close by, unlike the hon. member. That is the difference.

MR. MADAN: Mr. Speaker, in view of the fact that Africans can consume native liquor, which is considered stronger than spirituous liquor, will Government consider permitting Africans to purchase spirituous liquor also?

MR. THORNLEY: I do not think that that arises out of this matter.

#### No. 82—ROAD SAFETY

MR. MADAN:

Will Government please state if representations were made to it about on year ago by the Government Indian Schools Committee requesting that adequate measures be adopted to enable the pupils attending these schools to use the roads with safety? If so, will Government state what measures have been put into practice to ensure a larger measure of safety and the results thereof?

MR. THORNLEY: According to the minutes of the Nairobi Government Indian Schools Committee the question of traffic control has not been considered by the Committee since December, 1947. However, in March this year the Acting Principal of the Government Indian Primary School, who is also Secretary of the Schools Committee, requested the Police Department to assist to secure road safety for the children attending his school.

2. The Senior Superintendent of Police in charge of Traffic and the Chief Inspector of Schools visited all the Asian Schools in Nairobi district and, after consultation with the principals, introduced measures to improve road safety in the vicinity of the schools. These included the widening of roads, removal of car parks, re-siting of bus stops, erection of "School" signs and the better organization of children using crossings. The results have been satisfactory.

Copies of the Senior Superintendent's report have been circulated to hon. members.

MAJOR KEYSER: Mr. Speaker, arising out of the answer, can the hon. member tell us whether any steps have been taken so that the midday break does not coincide with the great increase in traffic in the middle of the day? (Hear, hear.)

MR. THORNLEY: The steps which have been taken are contained in the paper which has been circulated to members. I will certainly consider whether any steps additional to those which can properly be taken can be taken.

MR. MADAN: Will the hon. member state whether in any schools in the Colony except in Nairobi the boys are used for the purpose of traffic control and, secondly, is it not more desirable and effective to use traffic police for the purpose?

MR. THORNLEY: I think the paper which has been circulated does show that the traffic police have gone to considerable trouble over this matter. I really do not see why schools and their scholars could not help the police in this matter.

#### No. 88—SOIL CONSERVATION IN AFRICAN LAND UNITS

MR. MATHU:

Will Government please say what machinery is used, if any, for soil conservation work in African land units, stating the actual areas in which the machinery is employed?

MAJOR CAVENDISH-BENTINCK: Under present circumstances and taking into account existing systems of land tenure in the African Land Units, it is not possible for the Soil Conservation Service to use heavy machinery on the scale practised in the European Highlands for the control of soil erosion by the construction of terraces. It will be recalled that heavy machinery was used in the Machakos Land Unit but the results proved a failure owing to the inability, through lack of proper equipment, of the African farmers to maintain this type of terrace. Furthermore, it must be borne in mind that in the Highlands the running costs of mechanical soil conservation units is defrayed by the owner or occupier of the land, a system which cannot be readily applied to African Land Units.

For these reasons, and appreciating the fact that terracing is only one of many measures necessary to the preservation and rehabilitation of the soil, Government decided in lieu of placing too much reliance on heavy machinery to increase the departmental staff, both European and African, in order to promote by propaganda and advice better agricultural methods in their widest sense. To this

end in the Development and Reconstruction Authority, estimates under soil conservation. African Services, there is provision for 2 Soil Conservation Engineers, 3 Senior Surveyors and Surveyors, 50 Senior Assistant and Assistant Agricultural Officers, 240 African Agricultural Instructors and 130 African River Scouts and the majority of these posts are now filled.

Light machinery purchased by the Betterment Fund, but operated under the supervision of departmental officers, is available in the Nyanza Province for laying out and terracing group farms and other large holdings. Government will make use of heavy machinery in the African Land Units if and when the necessity for such plant arises.

The hon. member is no doubt aware that the Dam Construction Unit of the Soil Conservation Service which is equipped with a very heavy type of plant has been operating for some months in the Machakos area and has completed ten large dams. The work will continue in this area. In addition dams have also been constructed by the Service in the Kamasia and Suk Reserves.

#### GUARANTEE (HIGH COMMISSION RAILWAYS AND HARBOURS LOAN) BILL

##### SECOND READING

MR. MATTHEWS: Mr. Speaker, I beg to move: That the Guarantee (High Commission Railways and Harbours Loan) Bill be read a second time.

Although this Bill deals with a matter of the greatest importance, the provisions are simple enough in their intention and meaning, and I will not detain this Council by embarking upon an over-long exposition of them: In addition, I know that some hon. members opposite are very anxious to make certain points in regard to the Bill, and I think that the sooner they have the opportunity the better.

The short position is that the High Commission has been authorized to raise a loan—a sum of £23,000,000 on behalf of the Railways and Harbours Administration—and in order that the stock may be trustee stock it is necessary for the three territories jointly and severally to guarantee that loan. Of course, the repayment of the loan is a first charge against

[Mr. Matthews] as the Railways and Harbours Fund, but as I say, in order that this should be trustee stock—and trustee stock it must be—it is essential that the three Governments jointly and severally guarantee that loan. The legislation now before this Council has already been placed before the corresponding Councils of Tanganyika and Uganda and in identical form has been passed by those Councils. It remains therefore for this Council to do the same in order that the joint and several guarantee does in fact come into force.

The Bill itself, as I said, is not difficult in its concept. The first part is given to the preamble and to the title. The main essence of the Bill is in clause 3, which specifically lays it down that the payment of the principal and interest in respect of this loan is guaranteed out of general revenues and other funds of the Colony. There is a proviso to that clause which limits the actual overall liability on capital account to a sum of £24 m.

One might well ask why, if the loan is going to be £23 m., why guarantee up to £24 m. The answer is, of course, that it may be necessary, in order to secure more advantageous terms, to raise the loan at a discount. If you are going to raise a sum of £23 m. by issue at a discount, it will in due course be necessary to repay as principal a sum exceeding that figure. The limitation to £24 m. naturally limits the extent of the discount, but this margin of manoeuvre provided is considered sufficient.

Clauses 4 and 5 lay down that if it becomes necessary to implement this guarantee then the moneys must be paid out of the revenue of the Colony without any further appropriation than the Ordinance itself.

Clause 7, the last clause, sets out the condition that any enactment passed hereafter which is considered to prejudice the stockholders can be properly disallowed. The inclusion of this clause is a legal requirement which must be satisfied if this Ordinance is to convey full trustee status.

I have dealt with the very broad principles of this Bill. I do not want now to go into details because I am aware, as I have said, that hon. members opposite are very anxious to make certain points, some of them particular, some of them general. At this stage I therefore

will say no more, except that I beg to move.

MR. PADLEY seconded.

MAJOR KEYSER: Mr. Speaker, there is a lot to be said for simplicity, and I must congratulate the hon. mover on the very simple manner in which he has moved the adoption of this Bill. But there is a lot that I think this Council should know about the facts of the loans and the general financial position of the Colony before we can agree to pass this Bill, and it will be necessary, sir, to go into the past history of loans in this Colony and of the relationship between the Railway and the three territories.

The past practice has been to finance the Railways by loans floated by each territory. In other words, the responsibility for those loans was a territorial responsibility. In the past Kenya floated loans for the financing of the Kenya-Uganda Railway, and Uganda floated one loan, I think it was, also for that purpose, and Tanganyika floated its own loans for the development of the Tanganyika Railways. The present position, as I understand it, is that Kenya Colony has a loan, is responsible for a loan of £9 m. which has been utilized for the development of the Kenya-Uganda Railway; I think it would be simpler for me to use the term "guarantee". Kenya, in other words, guarantees a loan of £9 m. which has been used for the development of the Kenya and Uganda Railways. Uganda guarantees a loan of £10 m. and Tanganyika Territory one of £3 m.

This Bill is in order to enable the High Commission to float a loan which will be guaranteed jointly and severally by the three territories. In other words, should the Railways, for unforeseen seasons, be unable to meet their loan commitments and should two of the three territories also find themselves in very awkward financial straits, then the third territory would have to meet the whole of the loan commitments on that £24 m. Now it may sound a very far-fetched idea, but nevertheless as I read it that is what this Bill means.

The amount of loans that this Colony may float is limited by the Treasury and by the Secretary of State, and the last sum that this Council was informed would be allowed was £20 m., and in that £20 m. was included the loans raised by Kenya Colony for the use of the Railways, and we were led to believe—

MR. MATTHEWS: On a point of explanation, that limit does not include loans raised on behalf of the Railway.

MAJOR KEYSER: We must disagree on this point. But when the limit was laid it was £20 m. on the total loans that Kenya was allowed, and those included £14 m. that Kenya was responsible for of loans utilized by the Railways, and it was only when the question of the amalgamation of the Railways came up, and the suggestion that the East African Railways would be able to carry their own loans, that the Colony was freed of the portion of loans raised for Railway development.

If I am correct, then giving this guarantee under this Bill is very seriously going to affect the possibility of Kenya Colony raising the loans that she requires for her own development and indeed, sir, as I read it, clause 7 says that very thing. Clause 7 says: "If at any time hereafter an Ordinance is passed which appears to the Secretary of State to alter any of the provisions affecting the High Commission (Railways and Harbours Loan) securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to these securities, that Ordinance may properly be disallowed."

I am not quite certain what that means, but I take it that if in the future an Ordinance is introduced into this Council to float a loan, that loan is going to affect the security of the holders of this £24 m. loan and therefore might quite easily be disallowed. If am correct in my interpretation of clause 7 then, sir, the passing of this Bill by this Council is very seriously going to prejudice our chances of raising the loans that are so badly needed for the development of the Colony.

Now I did say that we were led to believe that the Railways would in the future, after amalgamation, raise their own loans, and indeed we were told that the difficulty that existed before over the raising of their own loans was that they had no security to give, because the land on which the permanent way is constructed, and on which all the Railway buildings have been built, does not in fact belong to the Railway but is, I presume, Crown Land, and we were left with the impression that steps would be taken to transfer that land to the Railways in order to enable them to give the security for loans when the necessity arose.

In a debate in this Council on the 25th November, 1947, when the General Manager, Kenya and Uganda Railways and Harbours (Sir Reginald Robins) moved a motion about the capital expenditure loans, he said, in answer to a query about loans: "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". That is quite clear. There is evidence on which we could base the assumption that after the amalgamation of the Railways it would not be necessary for this Colony to guarantee a loan for the Railways.

And, sir, the position again was made clear in the debate on the amalgamation of the Railways by my hon. friend the Member for Nairobi North, who said—talking about Railway loans: "I trust that they will realize that this is a matter on which the difficulties must be overcome, that the public debt of this Colony and the development programme will largely have to be met by loan, and that as long as the Railway loan either directly or indirectly, by the question of a general guarantee of loans through the High Commission, stands as part of the public debt of the Colony, so far will the amount which we can borrow for development purposes be restricted".

Now, sir, the purposes for which this loan is required are:

Railways:	£
General Improvements . . . . .	1,900,000
Additional Locomotives and Rolling Stock . . . . .	4,000,000
Construction of Branch Lines . . . . .	2,200,000
Realignments . . . . .	2,000,000
	<b>£10,100,000</b>

## [Major Keyser]

## Harbours:

	£
General Improvements . . .	1,200,000
Deep-water Berths at Dar es Salaam . . .	1,200,000
Construction of the Tanganyika Southern Province Port and Railway . . .	4,550,000
<b>Redemption of Loans:</b>	
Tanganyika 1948/68 . . .	1,380,000
Kenya 1950 . . .	2,100,000
Uganda 1951/71 . . .	710,000
Tanganyika 1951/71 . . .	1,300,000
	<b>£5,490,000</b>
Expenses of Issue . . .	£460,000

so that out of that somewhere around £6 m. is for redemption of loans and expenses of issue, and out of the balance I would say that some £10 m. to £11 m. would be spent on railway and harbour works in Tanganyika Territory.

At the time that the Amalgamation Bill was brought before this Council a paper called Sessional Paper No. 1 was issued and was entitled "Amalgamation of the Kenya and Uganda Railways and Harbours and Tanganyika Railways and Ports Services". That sets out the financial position of the two Railways and, quoting from page 4, it says: "Tanganyika Railways and Ports Services—The present financial position of the Tanganyika Railways is not so strong, but its potential earning capacity is considerable. This aspect will be dealt with more fully in the recommendations". That followed on from a paragraph which set out the financial position of the Kenya and Uganda Railways. "The capital account of the Tanganyika Railways was £10 m. which includes ex-German assets valued at £4,800,000, and in respect of which a specific recommendation will be made. The capital account is low in relation to the potential earning capacity of the system. The provision for renewals is inadequate and no reserves are available for general purposes, pensions, gratuities, or to meet temporary recessions".

We agreed to that amalgamation, knowing that the financial position of the Tanganyika Railways was not very strong, but we were induced to do so because of the very great potentialities in that territory which would provide the

freight for the great development that would take place in the Tanganyika Railways, and reading further on, towards the bottom of page 4: "The recommendation (to this Council) for complete acquisition of the Tanganyika Railways is based on the prospects of increased earning capacity due to the investment of £24,000,000 by His Majesty's Government, mainly in Tanganyika, in connexion with the Groundnuts Scheme; the development of the lead mines to be served by the new Mpanda line; the diamond and other mineral discoveries; and the development projects of the Tanganyika Government, including secondary industries such as Liebig's".

So we were induced to go into that amalgamation because of the great potentialities in Tanganyika Territory. That is very nearly two years ago—the debate on amalgamation actually took place on 9th March, 1948, very nearly two years ago.

Now, sir, what has happened since that time has elapsed in developing these great potentialities in Tanganyika? Well, we know that the Overseas Food Corporation has spent some £23-million but has produced very little freight for the Tanganyika Railways. We know that a branch line has been built to Mpanda to carry the products of Oriwiro—call it the Mpanda Mine—and we have heard at frequent intervals of the enormous potentialities of the coalfields in the southern part of Tanganyika. Now what has happened to the Mpanda Mine? All I know that has happened is that a year ago a very reputable mining company which had taken an option to develop that mine gave up their option, and since then I doubt if any other member of this Council knows much more of what has happened. Yet, sir, that is one of the great potentialities of Tanganyika, on which we were induced to go into an amalgamation, and which must be the inducement to vote for this Bill to-day.

What has happened to these coalfields? In fairness, the coalfields were not mentioned in the debate on the amalgamation, but nevertheless we hear so much about them. I have heard about these coalfields for a very considerable time, but do we know and have we had any information as to what is happening to those coalfields, as to whether the coal is of any economic use at all, or whether it exists

## [Major Keyser]

in any great quantities? If, sir, the High Commission wishes to induce us to guarantee a loan based on the potentialities of Tanganyika, then it is incumbent on the High Commission to see that we are supplied with the correct information about those potentialities. (Hear, hear.) And I go further, to say that if this Government is going to introduce a Bill of the sort that is before us to-day it should go to the trouble of finding out what those potentialities are worth to-day when this Bill is introduced. (Hear, hear.)

Now I have a sort of feeling in the back of my neck—rather like the sort of feeling a lot of turkeys have this time of the year—(laughter)—that we are very soon going to be faced with an awkward situation over rates in this Colony, and in order that there should be no doubt at all about the extent to which members on this side of the Council covered themselves at the time of the amalgamation I am going to quote from Sir Alfred Vincent in that debate. He made a few preliminary remarks and then he said: "With those few remarks . . . I should like to make a statement on behalf of the European elected members to this effect: I will not read the whole statement, but I will read parts of it: "Sir Reginald Robins, with whom we have discussed this Paper in detail, has given us an assurance that the amalgamation as such will not cause an increase in railway rates in this Colony". I should be grateful if the hon. mover in his reply would tell this Council whether in his knowledge there is any suggestion of raising the rates on the East African Railways and Harbours which would involve an element not entirely due to the increase in the costs of running the railway. In other words, is there going to be a portion of the increase in the rates that this Colony will have to pay in future in order to cover the unsatisfactory financial situation that exists in the Tanganyika Railway? (Applause.)

A lot has been made of the guarantees that were given by the Overseas Food Corporation for the freight that would emanate from the Southern Groundnut Scheme whence the Southern Railway and the Mtwara Port have been built, and I would first like to quote from the debate on the railway amalgamation, on the 16th March, 1948. Sir Alfred Vincent at the end of his speech said: "In the last paragraph of page four of Sessional Paper

No. 1 we are given to understand that satisfactory financial arrangements have been made with the managing agents or their successors regarding the provision and operation of the new port at Mtwara and the new railway in that area. In our opinion it is essential that our acceptance be made conditional upon this. Therefore, I beg to move an amendment, amending the motion to read as follows:—"Be it resolved that this Council approves the proposals in Sessional Paper No. 1 of 1948"—that was the original motion of this Council moved by the hon. Deputy Chief Secretary. The amendment goes on from there: "provided that satisfactory financial arrangements are made with the Overseas Food Corporation or His Majesty's Government in the United Kingdom regarding the provision and operation of the new port at Mtwara and the new railway in that area, so that no capital or operational loss is incurred on that project by the proposed East African Railways and Harbours". (Applause.) That amendment was accepted by the hon. Deputy Chief Secretary, who was the mover, who said: "On behalf of Government I am prepared to accept the amendment proposed by the hon. Member for Nairobi South—You, sir, then said: "Then that becomes the substantive motion".

THE SPEAKER: I must correct the hon. member. I was not in the Council at that time. It was the hon. Member for Agriculture who was President.

MAJOR KEYSER: I withdraw that, sir. It says "the President" and I assumed you were the President. The motion was carried with no dissent.

I am afraid I have got to quote rather a lot because the quotations are very relevant to the whole position.

In the debate in the Central Assembly on this particular Bill on the 28th September, 1949, the Commissioner for Transport in moving the Bill said: "It may be of interest perhaps if I mention here that an agreement has been reached between the Overseas Food Corporation and the Transport Administration whereby, in the event of traffic not materializing, the users of the East African Transport system are protected against any substantial losses". Later on in the debate Mr. Bower (who was trained in a very good school!) said: "In referring to the

[Major Keyser] construction of the Southern Province port and railway, £44 m. he said the system as a whole, and therefore the taxpayers of East Africa as a whole, would be protected from any substantial loss. I should like to know exactly what he means by substantial". In his reply the hon. Commissioner for Transport said: "If the revenue which is earned from the groundnuts plus certain other traffic which may emanate from that line is insufficient to cover the interest and sinking fund and certain items of depreciation, the Overseas Food Corporation have agreed to make good the deficit".

There is nothing there about operational losses, although the consent of this Council to amalgamation was made provisional on operational losses being included in that guarantee. He continued: "If, on the other hand, the Overseas Food Corporation should cease operations in that area and the people of East Africa consider that the railways and port are of no further use there, the Overseas Food Corporation would make good the outstanding part of the loan and, also, such assets as we could sell would be realized as a set-off against their obligations. In order to do this, the accounts for the Southern Province port and railway will, for the first ten years of this agreement, be entirely separate. I said 'substantial losses': the reason I said that was that it was considered quite improper that any extra charge should be made to the Overseas Food Corporation or anyone else using that line in respect of managerial expenses". I cannot for the life of me think why they should not bear a proportion of managerial expenses. They might be very small, but nevertheless surely if it is a business transaction, and presumably based on sound principles, they should bear the cost of managerial expenses.

In the report of the Commissioner for Transport for 1948 he says that "in view of the large developmental projects and progress in Tanganyika, it was decided to retain in Dar es Salaam the services of the Deputy General Manager, formerly General Manager of the Tanganyika Railways, until the new organization was well in the saddle". In other words, there was considerable expense involved for which the Southern Groundnut scheme railway was not going to be debited.

The Commissioner for Transport went on to say, talking about the Mpanda line: "With regard to the question of the Mpanda line, similar arrangements have been made with the Tanganyika Government and the guarantee has been obtained from the Mpanda mine proprietors, but I would just sound this note of warning and that is that there is a slight difference between the arrangements which have been made with the Mpanda mine-owners and the arrangements made with the Overseas Food Corporation. In the case of the Mpanda mine owners certain guarantees have been given and I have no reason to think that they would not be honoured, but against that we must remember that the guarantor is the mine-owner, so that if the mine goes flop so does his guarantee go flop, but it was the best that could be done. It is a reasonable safeguard, I think for the users of the transport system and the taxpayer generally, but it is different from the Overseas Food Corporation because the Overseas Food Corporation is a corporation set up by Parliament in the United Kingdom and is in fact backed by the finances of the United Kingdom".

I think that, when we are doing a thing which has never been done before, we should know exactly what that guarantee means. Is there any limitation to the liability of the Home Government over the guarantee or the financing of the Overseas Food Corporation, because that point has never been cleared up in this Council? Supposing the British Government decides to liquidate the Overseas Food Corporation, what then of the liabilities of the Overseas Food Corporation? I think we must know whether there is any limitation at all to the liability of the United Kingdom Government. (Hear, hear.)

This Council is responsible to the people of Kenya for the finances of the Colony, and I think we would be taking our responsibilities very lightly if we supported the Bill that is before us to-day without very grave consideration and without satisfactory answers being given to the queries that I have raised, and I would suggest that one solution to the problem would be that the whole of the loan liabilities of the East African Railways, plus the proposed new loan—that is the £24-million—plus the previous loan, which I think amounted to some £13-

[Major Keyser] million— or a total of £37 million, should be pooled and that each of the Territories should assume a liability for one-third of that £37 million. In the meantime, in order that the developments can continue in Tanganyika, there is no reason why Tanganyika should not proceed to float a loan of some £10-million on its own guarantee, and as further capital is needed within each territory a loan can be floated on the guarantee of the other territories.

As the position stands to-day I regret that we on this side of the Council must oppose the motion. Sir, I beg to oppose.

MR. PATEL: Mr. Chairman, after hearing the hon. Member for Trans Nzoia one certainly feels that a great deal of information must be placed before this Council before the debate on this matter should proceed.

Therefore I beg to move, under Rule 29 (2) of Standing Rules and Orders: That the debate on the second reading of the Guarantee (High Commission, Railways and Harbours Loan) Ordinance, 1948, be adjourned to the 10th January, 1950, and that the Commissioner for Transport, East African Railways and Harbours Administration, be invited to be a member of this Council for the purpose of the adjourned debate. I want to move this motion of adjournment because the person who can give all the information which is required will be the Commissioner for Transport, and he should be here in this Council as an invited member for the purpose of this debate.

I should like to state that it is easy for my hon. friends the European elected members to have some information on these points, but for the Indian elected members there is no channel of information whatsoever because the Government and the European elected members have always conspired together. (MEMBERS: Shame.) There is an Indian member from Tanganyika on the Advisory Council, and from Uganda, but we Indian elected members here have no opportunity whatsoever of having any information on these points, while I am quite certain the European elected members have at least two representatives on that Railway Council which must have debated this matter very carefully. I do not desire to go into details at this stage and so lose my right of speaking on the

second reading later on. Therefore I content myself by saying that I for one would like to have more information, and that information can be given only by the Commissioner for Transport.

MR. NATHOO seconded.

THE SPEAKER: I do not think that we can "invite"—I think we can only recommend to the Governor that he invites.

MR. PATEL: I am prepared to accept that amendment.

MR. MATIU: Sir, I rise to support the motion moved by the hon. Member for the Eastern Area, Mr. Patel. I do not think this Council will lose anything by delaying the second reading of the Bill until the 10th of January next year, because I feel that the African members of this Council also should have some opportunity of consultations with the Legislative Council members of Tanganyika and Uganda in regard to certain matters mentioned by the hon. Member for Trans Nzoia, so that I support the motion for the delay in the second reading of the Bill until 10th January.

MR. BLUNDELL: Mr. Speaker, I support the motion that the second reading should be postponed until January, but I wish to make one or two remarks about the suggestion made by the hon. member Mr. Patel that the Commissioner of Transport should be invited to become a member of this Council temporarily. I do feel very strongly that such a course should not be necessary. Hon. members opposite were prepared to introduce this Bill, were prepared to ask members—to whom, after all, they are responsible—to ask us to vote for this Bill in all good faith, and yet when it comes to getting detailed information it appears necessary to have the Commissioner of Transport to give it to us. I do hope that when Bills affecting the High Commission come before this Council in future, hon. members opposite will make sure that they have the fullest information on these Bills so that it will not be necessary for us to call in any officers from the outside to do what is after all their own function properly. I wish to make that point. I do not think we should have to ask the Commissioner to come here on a matter of this sort, because I feel, and rightly, that hon. members opposite should have all the information we ask for themselves before they come before us with a Bill of this nature.

THE SPEAKER: Will the hon. member therefore move that the words he objects to be deleted from the motion? The words after 1950, because otherwise we shall be debating all round on this.

MR. BLUNDELL: Mr. Speaker, I beg to move: That the motion be amended by the deletion of all words after 1950.

I just want to say one thing to the hon. member Mr. Patel. I do not move my amendment in any way to prevent information, I do not move it in order that hon. members on my left may not have the fullest information, but I do move it on this question of principle. I consider very strongly that before hon. members opposite brought this Bill before Council they should have satisfied themselves on every point and been in possession of all the information for which we have asked.

MAJOR KEYSER: Mr. Speaker, I should like to second the amendment of the hon. Member for Rift Valley. I am not going to say anything more on his amendment, but I do think that an adjournment to the 10th January would give hon. members on the other side time to get the information which I have asked for. I should also like to say in answer to what the hon. member Mr. Patel said, that my information was not derived from any member of the Railway Council. It was obvious where I got my information from, from my knowledge of the transactions that have taken place in this Council, from past debates on the Railway, and not at all from information passed on to me by any member of the Railway Council.

MR. O'CONNOR: Mr. Speaker, with your permission I should like to speak on this amendment.

A legal point has been raised by the hon. Member for Trans Nzoia to which I should like to reply, and I should like to say that I am quite prepared to reply to it and do not require an adjournment in order to do so, and that I think the remarks of the hon. Member for Rift Valley, in which he accused members of Government having come here unprepared for this debate, are not perhaps called for in that no member of Government so far has had the opportunity, except the hon. mover, of taking part in the debate. I feel, therefore, that we are in the position of being condemned unheard, but if hon. members would like me at this stage to deal with the point of clause 7,

the inquiry asked for by the hon. Member for Trans Nzoia, I am quite prepared to do so. If it is more convenient to deal with it on the adjourned debate I will do so then.

THE SPEAKER: What I desire first of all is to get rid of the last amendment and have that decided. That is to say, to decide the form of the amendment moved by the hon. member Mr. Patel, and then resume the debate on the question as to whether we shall adjourn the debate. For that purpose I propose to put it: That all words after 1950 in the motion of the hon. Member for Eastern Area stand part of the original motion—those who are of that opinion will say "Aye", and those of the contrary opinion "No".

The question was put and negatived on a division by 22 votes to 7: Ayes—Messrs: Jeremiah, Madan, Mathu, Nathoo, Obanga, Patel, Pritam, 7; Noes—Messrs: Blundell, Cavendish-Beptineck, Cooke, Deverell, Erskine, Havelock, Hobson, Hopkins, Keyser, Maconochie-Welwood, Matthews, Mortimer, O'Connor, Padley, Patrick, Preston, Rankine, Rhodes, Lady Shaw, Messrs: Thornley, Usher, Vasey, 22; Not voting—Messrs: Anderson, Davies, Gillett, Hope Jones, Hyde-Clarke, Rana, Salim, 7.

The debate on the motion as amended—that the debate be adjourned to 10th January, 1950—was resumed.

MR. VASEY: Mr. Speaker, I wonder if I could persuade the hon. Member for Eastern Area to accept the addition of a few words, "or at the first convenient date thereafter". I think that would mean that if it were not possible to deal with the Bill on the 10th January, we could carry on the debate on the first convenient date thereafter.

MR. PATEL: I accept that amendment.

MR. RANKINE: Mr. Speaker, I should like to speak on two points.

In moving the amendment the hon. member Mr. Patel alleged that this was some conspiracy between the Government and the European members in order to exclude the African members—(MR. PATEL: Indian members on the Railway Council)—Indian members on the Railway Council. I deny that it was anything of the kind, and if the hon. member Mr. Patel will remember what was said on this point at the time of the amalgamation of the Railways he will remember that the

[Mr. Rankine] hon. Financial Secretary dealt with that particular point. If I may take up a few minutes of the Council, I should like to read what he said.

He said: "The Railway Advisory Council is not a political body at all: it is a business body. Its job is to advise the High Commissioner on the policy to be followed in the business of running the railway, and it would be most unfortunate if representation on that was dictated by sectional interest, because a business concern like a railway—which incidentally has been a very successful business concern and about the only business concern which has not had to put its prices up since 1939 . . . cannot, I suggest, function properly if its board has got to consist of representatives of this interest, or that interest, or the other interest, and decisions have to be taken, as is usually the case on these occasions, by a sort of compromise".

He went on to say: "Under the new set-up there will be a Transport Advisory Council with sub-committees dealing with railway affairs. What do I think is of the very first importance is that, on the sub-committee dealing with railway affairs in connexion with the amalgamated railway, there should be strong Kenya representation, and strong Uganda representation for the matter of that, but I think it would be deplorable if that representation were made on racial grounds . . ."

I think that the whole Council agreed with what he said, and I would deny that there was any sort of conspiracy in order to avoid having Indians on that Council. Not only that, but any information which is available to the European members is available to the Indian members, and if the hon. member had wished for any information and had asked for it, it would have been given to him.

As regards the second point made by the hon. Member for Rift Valley, as my hon. friend on my left (the hon. Attorney General) has pointed out, he was so quick and anxious to make criticisms of the Government that he accused them of doing something which they had not even had a chance to do (laughter) and his allegation is that they came into this Council unprepared with the answers to the questions that were going to be asked. We do not even know what all the questions are yet, and my hon. friend who is in

charge of this Bill has not had an opportunity of replying to them, so that he is a bit quick off the mark with his criticisms.

This is a Bill which affects the loan position, and of course hon. members opposite have asked for all sorts of information regarding the actual running of the railway, and in particular the running of the railway in Tanganyika. I would merely remind Council that, by its own act, when the Railways were amalgamated, it transferred the question of the administration of the Railways and matters connected with the Railways from this Council to the Central Assembly. If members wish for detailed information regarding the running of the Railways the proper place now, according to the law, in which to ask for that information is the Central Assembly. I would also remind them that on the Central Assembly they are directly represented, and arrangements have been made for the hon. members themselves to elect their own member to the Central Assembly, where the Commissioner for Transport is sitting. If they have questions to ask on the detailed running of the Railways, by their own consent the proper place to ask these questions is in the Central Assembly. I suggest that that ought to be done.

MR. MACONOCHE-WELWOOD: Mr. Speaker, there is just one remark of the hon. Chief Secretary's that I should like to comment on, and that is that the proper place would be the Central Assembly—and not this Legislature—to ask these questions. Well, that may be so, but I would remind him of this, that when this Council accepted White Paper 210 it was implicit in that understanding and used in debate that the final say on finance, rested with the territorial legislatures. (Hear, hear.) It is surely impossible for this Council to fulfil its duty towards the taxpayers whom it represents if an attitude of that sort is taken up. By which I mean that the idea was put forward by Government that, though we may ask questions in the Central Assembly, through our members, we cannot criticize the finance which is run from the Central Assembly because that finance is very much the duty of this Council to supervise.

THE SPEAKER: I must point out that the question for Council's decision is whether the debate should be adjourned.

**[The Speaker]**

It is not necessary to discuss this question of the High Commission, for a long while ago, Council carried a motion that there should always be some member on the Government side who would answer questions in respect of the High Commission, if they were put. But hon. members have never taken any advantage of putting any questions until this date when this Bill is introduced. Can we now speak to the question of whether or not the debate should be adjourned?

MR. RANKINE: On a point of explanation, I said on the detailed running of the Railways.

MR. MATTHEWS: Mr. Speaker, I oppose the motion before the Council. The position is that the first part of the loan which is projected must be raised early in the near future, and if this debate—that is to say the main debate—is to be adjourned until the 10th January I must say that the position of the loan will definitely be very seriously prejudiced.

Speaking on behalf of the Government side, I would say that, if the hon. mover is prepared to accept an amount that the debate be adjourned until the 23rd December, 1949, this side of Council would be prepared to accept it. I therefore formally move that amendment.

MR. RANKINE seconded.

MAJOR KEYSER: As far as I know, it has been arranged that the Council should adjourn to-day, which is the 22nd, so how can we debate the motion if the Council is not sitting?

THE SPEAKER: There is a timetable before Council which includes the 23rd. No motion has yet been made adjourning the Council.

MAJOR KEYSER: An arrangement has been made to that effect.

MR. RANKINE: I do not know of any such arrangement. It is true that I had a message last night from certain hon. members saying they would like to adjourn to-day. That is a matter for the Council. Provided this matter is dealt with, Government has no objection to that. (Laughter.)

MAJOR KEYSER: Mr. Speaker.

THE SPEAKER: I thought you had finished.

MAJOR KEYSER: No, I rose on a point of order. My point is that the hon. Mem-

ber for Finance suggested the debate should proceed to-morrow because of the very great urgency over this matter. I should like to point out to this Council that the original Bill came up before the Central Assembly on the 28th September, 1949, three months ago. Now, sir, it came before this Council two days ago. It was on the order paper, and at my suggestion it was adjourned till to-day. Three months after—and we are told there is terrific urgency about the whole matter! This is not the first time that matters have been postponed, that there has been procrastination over matters, and then when they are brought before this Council we are told that they must be rushed through. I oppose the amendment as strongly as I can on those grounds.

MR. MATTHEWS: On a point of explanation, I think the hon. member will appreciate that this is a matter of the most profound importance, and if hon. members on this side are not to come into this Council unprepared to answer the questions and give the information wanted by the other side, it is a matter which needs the most careful examination, and hence of course the time taken.

MR. COOKE: Is this amendment not out of order as being a direct negative, certainly in the widest sense, of the amendment?

THE SPEAKER: I do not see how it can be a direct negative. A direct negative would be not to adjourn at all but to continue the debate. I will now propose the amendment: that the words proposed to be deleted, namely the words "10th January, 1950" stand part of the motion. Those of that opinion please say "aye"; those to the contrary "no".

MR. BLUNDELL: I am sorry to be so stupid, but if I wish now to have this adjourned till the 10th January, I take it I say "aye". (Laughter.)

THE SPEAKER: The hon. member has thoroughly appreciated the point!

The question that the words proposed to be deleted—10th January, 1949—do stand part of the motion was put and carried on a division by 19 votes to 16: Ayes—Messrs. Blundell, Cooke, Erskine, Havelock, Hopkins, Jeremiah, Keyser, Macdonochie-Welwood, Mādan, Mathu, Nathoo, Ohanga, Patel, Preston, Pritam, Salim, Lady Shaw, Messrs. Usher, Vasey, 19; Noes—

Messrs. Anderson, Cavendish-Bentinck, Davies, Devrell, Gillett, Hobson, Hope-Jones, Hyde-Clarke, Matthews, Mortimer, O'Connor, Padley, Patrick, Rankine, Rhodes, Thornley, 16; Not voting—Dr. Rana, 1.

The question that the debate be adjourned to 10th January, 1950, or at the first convenient date thereafter, was put and carried.

**1950 APPROPRIATION BILL****FIRST READING**

MR. O'CONNOR moved: That Standing Rules and Orders be suspended to enable the 1950 Appropriation Bill to be taken through all its stages.

MR. HOBSON seconded.

The question was put and carried.

On the motion of Mr. O'Connor, seconded by Mr. Rankine, the Bill was read a first time.

**SECOND READING**

MR. MATTHEWS: Mr. Speaker, I beg to move that the 1950 Appropriation Bill be read a second time.

This is, as Council is aware, a formality. The need to pass this Ordinance arises from the consideration that is necessary to regularize expenditure in 1950 due to the fact that the estimates placed before this Council have not yet been passed. It is in fact an emergency measure, and when the estimates are passed, either as they stand or modified, another Bill will be introduced in 1950 which, among other things, will cancel this Bill and will provide for expenditure in accordance with the estimates as passed by this Council.

MR. RANKINE seconded.

The question was put and carried.

MR. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. RANKINE seconded.

The question was put and carried. Council in committee:

The Bill was considered clause by clause.

On the motion of Mr. O'Connor the Bill was reported back to Council without amendment. Council resumed, and the report was adopted.

**THIRD READING**

MR. O'CONNOR 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.

Council adjourned at 11 a.m. and resumed at 11.25 a.m.

**COMMITTEE OF SUPPLY**

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

**Head 33—Labour Department**

THE CHAIRMAN: When the Committee last reported progress we were dealing with Head 33, and it had been moved that items 1 to 23 be approved.

MR. MATHU: Mr. Chairman, when the Committee adjourned yesterday I was suggesting that the African worker should receive a full living wage to avoid the question of bartering a house, food and clothing for his work, so that the worker can pay for himself for his food, for his house and for his clothing and the rest of his necessities.

Now the other point I wanted to mention was that of wages. The hon. Labour Commissioner took me to task on my suggestion that wages were from six to ten shillings. He suggested that I was wrong and that the basic wage is sixteen shillings, in agricultural employment, and thirteen among the squatters. Well, I agree and I accept his correction as far as figures go, but I still maintain, as the African labourers themselves maintain, that the wage of sixteen shilling or thirteen shillings is a very low wage. If you take sixteen shillings a month that is fifty cents a day, and that would not allow anybody to save or pay for sickness, old age, education, amusement or anything of that kind. It is too small an amount, and I think people will agree with me. Why are wages low—because the output is low? There I would say it is a debatable point, because the worker says he puts a lot of energy into his work. On the whole they are lazy, but on the whole he says that he contributes his share in the creation of wealth, and that it is the employer who is not giving the worker a square deal.

On the question of housing, I agree with the Labour Commissioner that our

[Mr. Mathu] housing scheme should provide facilities for families. That I think is a very important matter. On the question of rents and the ownership of houses I would say that some of the rents are extremely high; twenty-eight shillings for the small rooms in one of the Nairobi Municipal Council estates is prohibitive, even with a minimum wage. I understand the Nairobi African Advisory Council only the other day talked very hotly against this and suggested that steps should be taken to reduce the rent to twenty-five shillings a month to enable workers to occupy those houses.

Now on the point of ownership, sir, I think that the suggestion of the hon. member that Africans should own their own houses and start on social security is a very sound one, and I would go further and suggest what is done in South Africa in some towns, I believe in Johannesburg, where they go even beyond the suggestion of the hon. member and the workers buy their houses by instalments. That is, by the time they have finished paying for the value of the house they own it, in the housing estates in the towns. That, I think, is a thing we ought to do; particularly in Mombasa and Nairobi I think it is a thing we ought to do.

As to the commission of my hon. friend Mr. Vasey, about African housing, I would not like to give the impression that we anticipate his recommendations, as he seems to suggest. We will see how he works, and I am sure he will be very careful in his recommendations, because we are very nervous about steps in that direction.

My final point is the question of supervision, and a word about the squatters. The supervision, I think, can be carried too far, but I suggest that if supervision is a very important element—and I think it is—we ought to give an opportunity to the African to do their own supervision, because I think they can do it better. As the hon. Labour Commissioner has pointed out, there is an increase of African labour inspectors which has been due to the fact they have done very good work, particularly in controlling juvenile employment. Actually I would go on and suggest that the hon. Labour Commissioner should consider the possibility of giving more and more posts to Africans in his department, because his department

deals almost exclusively with African labour. The 10,000 and 22,000 of other races are very small in comparison with the 400,000 Africans who are in employment to-day.

Squatters have been mentioned. I think they are an eyesore in our economy. With cattle, with wages, with everything, they are in a difficult position and I would plead that if any cattle have to be removed from the squatters, and if the squatters have to be removed, that alternative accommodation for cattle and for humans be provided. We cannot leave them in the back room.

The final point I would like to suggest is that the African labourer in this country feels very much like John Keats in his "Ode to the Nightingale". He takes himself as John Keats and the employer as the nightingale, when he says:

"Fade far away, dissolve, and quite forget

What thou among the leaves hast never known.

The weariness, the fever, and the fret,  
I beg to support.

MR. JEREMIAH: Mr. Chairman, I am especially glad to hear about the improved relationship between employer and employee. The African as a rule is a kind-hearted man and one who is almost contented, and I hope that relationship will continue and improve. (Hear, hear.) The African is by nature a very lovable person and very easy to handle, and as such he also expects the same virtue from any other person.

From what I have been hearing from the hon. member who was talking about the labour position as a whole, it does not make me believe that the African is also receiving the same kindness or the same happy disposition from his employer. The fact that he is spoken to in a peremptory way and the fact that in some cases he hardly knows who his employer is, makes him do his work, as many say, "I do it because it is not my father's work". He also finds himself in most cases in a very difficult position. He finds his pay is low, his food is not sufficient, his living accommodation does not allow him to enjoy his family life, and all this tends to make him in his work not as happy as he should be, and perhaps prevents him putting his heart into the work.

[Mr. Jeremiah]

This is a fact worth remembering, because, I believe, sir, that the employee has done a great deal towards his work, but the employer has not come forward in the way of approaching his employees in a human way. Let alone their wages, a kind word to a man is always a very good tonic to his general performance. I know it is actually in most cases very difficult for the employer to be tolerant with an employee, especially when the employee is new to the work and when he hardly understands what he has been told and does not act promptly when he is told to do something, but the employer who is patient, I believe, always reaps the benefit of that.

Another factor which I believe mitigates against contentedness is the position on which most Africans find themselves in. Their pay is low, as I have said. Their housing conditions are such that they cannot expect to make themselves happy at all. In our native land unit we do not live in most cases in very good houses, but we have sufficient space in which we manage to house all our families with space to be left over, but in employment we find we are very much crowded. A man who has got to work hard and after that is thinking where he is going to sleep, you cannot expect him to be quite contented, and those are things I think employers should try to improve. Apart from that, sir, the African is at several disadvantages, but I must say that the performance or the output he has managed to do in spite of all that is surprising. The African employee, the labourer, has managed to help the employer, whether European or Asian, to be where he is at present. He is the richest man in this country, and that is mainly due to the work done by the African, because had it not been so I do not believe that the employer, European or Asian, would have been there.

They talk about low output and inefficiency. In my opinion, sir, I can hardly believe it to be a sincere thought except as a means to try and peg down their wage. That is my main point—had the output not been what it should be many of their employers would have been bankrupt and broken, but that is not the case at present, and it is my belief that to pay a tribute to the employees is necessary. We are human as well and we

feel glad if some tribute should be given for what we have performed. We are always being blamed for lack of output, irresponsibility and so on, and we do not know actually when our work has been at all responsible, or when at all we perform the necessary duties, which in our opinion we perform, but we are not receiving the necessary recognition.

Another point is about housing. In Nairobi especially, where the position is more acute, the Municipality and Government have tried their best, but in spite of all that we still find that the demand exceeds the supply. We hear that in Pumwani, one of the African locations, the position is so bad that the houses themselves are not very good and that they are overcrowded. Some of the owners of the houses have been asking for permission to improve their houses.

THE CHAIRMAN: The policy underlying the vote for the Labour Department does not show anything about housing in it. We are concerned with the policy of the Labour Department, certainly, but if you are going to extend that into a discussion and general debate about housing then I must say that it is out of order.

MR. JEREMIAH: Thank you sir. I only thought that the Labour Department is also responsible for seeing that the labourers have proper housing.

THE CHAIRMAN: If you can complain of someone in the Administration having failed to do something which they are bound by law to do, that is very well, but to complain generally about the state of housing is not in order on this vote. That is all I am saying.

MR. JEREMIAH: As I was saying, housing conditions generally are not sufficient to accommodate all the labourers and many of them are living in a very bad condition, and I hope the Labour Department will still continue to see that those labourers are properly housed.

We have heard about trade tests, that it is intended to introduce trade tests in this country. I personally think trade tests are a very good thing, and I believe when they are introduced it will be better for all races. When it comes to that I believe it will be for the Government or the employers to see that anyone who passes such tests should re-



[Mr. Jeremiah] ceive the same kind of pay, whether he is black, white or brown.

Another point which I feel Government should take into serious consideration, especially the Labour Department, is the encouragement of trade unions amongst the labourers in this country. We would be glad to see a proper and developed trade union. (Hear, hear.)

The hon. Member the Labour Commissioner mentioned that the African is not usually working for necessity. With that I am not going to agree. We work for necessity and we have been working for necessity from time immemorial. Had we not been working we would not have been able to get food. If by working is meant when we are working for European or Asian employers, or any other employer, that that is the only work, then I do not agree. The Africans as a whole work very well indeed in their land unit. Perhaps the only difference is that we do not work in the way you would like us to work, and that is for you to help us over and show us how to work better.

Another point which has been mentioned is about resident labourers—

THE CHAIRMAN: You have reached your time limit, but finish your sentence. We do not want to cut you off with the guillotine!

MR. JEREMIAH: I was going to say that when they have been removed, as they have been removed from settled areas, other areas should be provided for them in Crown land. Once you take away all their livestock they cannot live on the land, without their family, without those amenities, and for that reason I think consideration should be given to land for those people.

MR. MACOSOCHE-WELWOOD: Mr. Chairman, there is only one remark that I want to take up, in the very excellent speech of the hon. Labour Commissioner, and that is where he suggested—and I think the hon. member Mr. Mathu reinforced it—that he would like to see food no longer part of the wages of an African. Well, I am not sure I agree with him, for this reason. It is very often found that if you give money away in lieu of food to the African, in fact his standard of feeding is very apt to go down because, cer-

tainly among agricultural labourers, there is a tendency to spend the money on something else rather than the established balanced diet which is what we are aiming at. If food is provided to a people who are still, after all, fairly primitive, you can ensure they get the right sort of food. For that reason I would not support that suggestion. Feeding is always brought up in these debates as the reason for the lack of output of the African. I do not myself think it has very much to do with it. In support of that I would probably say that probably the hardest working races of Europe are those on the lowest diet—that is to say the inhabitants of Italy and a lot of peasant countries of Southern Europe whose output of work is simply extraordinary, largely on a totally unbalanced diet of maize meal, flour and bread, and things of that sort. Pay may be adjudged as an incentive if you have the right sort of labour to give it to.

I would point out that among people in the world—the Africans are included in this—if you pay them more they will use it to buy not commodities but to buy more leisure. I will explain by an example of what happened many years ago in Malaya. When the price of rubber went up the pundits of the City of London imagined there would be immediately a lot of native-produced rubber in Malaya. People who knew Malaya were more doubtful. In the upshot there was a decrease of rubber, a very serious decrease, the reason being that the Malayan, like the African, prefers leisure, in many cases, to progress and if you put the price of the commodity he was producing up to a higher figure all he did with the money was to buy more leisure by producing less rubber.

I have no quarrel with the Africans' point of view about leisure. It seems to me an entirely intelligent thing to desire leisure—I desire it myself. Where the confusion arises in the African mind is that he thinks that he can have both leisure and progress, and I submit that you have to make a choice in this world as to which you are going to have, and the progress of the African must depend entirely on the degree to which he is prepared to sacrifice his dearly loved leisure for progress.

MR. HAVELOCK: Mr. Chairman, there are only one or two points that I should

[Mr. Havelock] like to touch on. If I may first of all mention the matter of costs which the hon. Labour Commissioner, in his most excellent speech, touched on. I should like to remind him that there are other costs to the employer, especially the agricultural and plantation employer, which people are inclined to forget. Not only is it the cash wage, housing, food and blankets referred to by the hon. member Mr. Mathu, but there is medical attention, which is quite considerable: there are different types of sport that are arranged for African labour, the making of football fields, the provision of balls, and so on. I believe that the actual cost to the employer of African labour is very much higher than is realized, possibly by the hon. Labour Commissioner himself. There is water, firewood, and other thing all of which cost money.

I mention this point because it is quite obvious that the hon. African members are dissatisfied with the remark made by the hon. Labour Commissioner when he said he considered that in relation to output the wages were all right. The hon. African members disagreed on one side, I am inclined to disagree, on the other. It is a fact, and another expense which has been stressed by the hon. Labour Commissioner is that of supervision. It is an expense that one must realize it is absolutely necessary to have, and the cost must be divided per head on the cost of each labourer, because you do not expect to have to have such a high standard of supervision of other types of labour.

On the whole, there is still great room for improvement in the matter of output. I realize how difficult it is, and I agree entirely with the remarks of the hon. Member for Uasin Gishu as regards the value of leisure to the African and everybody else. There is another responsibility which is growing every day, and which employers of labour have got to face more and more. Some have not had to face it yet, and some have. That is, provision for the old age of their long-term employees. There are men who have worked on farms for 20 or 30 years, too old to work, and many employers are keeping these old men on very small light task work to provide for them in their old age. That is a thing which will grow, and at the

moment the employer has accepted that responsibility. Whether it should be entirely on the employer's shoulders is a matter that the Labour Department should consider seriously.

Sir, you ruled the hon. member Mr. Jeremiah out of order on the matter of housing—

THE CHAIRMAN: General housing, yes. We must try and get some limit to this debate which unfortunately has spread very far, no doubt due to the excellent speech made by the hon. Labour Commissioner, who indulged himself on a large number of economic topics. But, after all, the motion is only to approve these particular items, and I ask members to keep that in mind.

MR. HAVELOCK: Mr. Chairman, may I say as regards housing for African employers that farmers, especially plantation farmers, and particularly in the area of my own constituency, about which I speak best, believe the time is coming close now when the Labour Department should bring pressure to bear on Government to provide housing off estates. I do not consider that there is room enough on these small, valuable estates for large housing blocks for the labour which is required, and I do hope that the Labour Commissioner will get together with the hon. Chief Native Commissioner to try and work out some form of suburban housing to suit both townships and estates round about this particular area where congestion is so great. I believe that housing will best be supplied by the Africans themselves, not only owning their own houses but other houses they build in the native reserves.

There is only one other point I wish to make on the matter of rations, brought up by the hon. Member for Uasin Gishu. I personally would like to see a cash wage basis with the Africans finding their own rations, but it is a matter that will have to be developed very slowly. Certain plantation owners I know have tried it, and the result has been that *shambas* in the near vicinity of the plantation have been robbed more often than they were before the actual ration was given by the employer.

I do not entirely agree with the hon. Member for Uasin Gishu on the matter of balanced diet. I do believe that if the African were allowed money to buy

[Mr. Phavelock] has now food at any time anywhere—it will take a bit of time—he will automatically buy himself a better balanced diet than he had when rations were given by the employer.

There is only one other thing I would like to do in the vote, but possibly I should not do it especially in consideration of the extremely hard work, the sincerity and energy of the hon. Labour Commissioner in the last few years, which has been wound up by his excellent speech which he made yesterday. I personally would like to see item 2, which is the leave salary to be retiring. Commissioner, deleted. (Laughter.) However, I will not press it and will end by supporting the motion and congratulating the hon. Labour Commissioner.

MR. HYDE-CLARKE: Mr. Chairman, I will deal with the various points raised as briefly as possible as everybody is anxious to get on with the debate as I am myself.

I should like to refer to the remarks of the hon. member Mr. Mathu. The main point he made was a regard to the encouragement of trade insects. I am not going over yesterday's ground again. I have really nothing to add to what I said. We are really anxious to promote the healthy growth of trade insects, but so much can prevent, least of all myself, that some unions as they are administered to-day are in the interests of the people they pretend to serve. I am grateful to the hon. member for bringing up this matter, because it gives me the opportunity which I have not previously had of saying to him and bringing to the notice of Council the very high moral courage displayed by the hon. member during a recent incident connected with what I could not call otherwise than the maladministration of a particular trade union in the town (Hart, Hart).

Again, on the question of food, I will try and deal with that very briefly. In principle I think we must all agree that eventually, as the hon. Member for Kiambu said, we must get on to a cash basis, but I cannot see that the time is yet ripe for that in agriculture. In the townships and urban areas it is money really established. Under the minimum wage order we try to do this, and which includes housing and other things

that is the policy of Government in terms of the Salaries Commission Report adopted by this Council, consolidated wages are provided for. There will be a gradual spread of this principle, but it must be gradual, to the outlying and more rural areas.

In one place already we have got down to the basis of a basic issue of material ration. I am talking about a farm in the coast area, which some members may know. The rest is converted into cash, and there is a market place run by Africans on the dopstap where there is a plentiful supply of cheap African food-stuffs, and I am very happy that in such circumstances where they exist we should consider a gradual move, but the move must be extremely gradual. I will wind up that particular point by saying that it is a matter I intend bringing before the Labour Advisory Board, of which the hon. member Mr. Mathu is a member, and let us thrash it out and try and get an agreed policy.

On the third point raised by the hon. member Mr. Mathu I do not intend to go over yesterday's ground about low wages and low output. I have circulated to all hon. members of the Committee, including myself, a very detailed document on the question of bonuses and how additional pay can be earned, and I have yet to see that these have been properly digested or understood. I would ask him to assist me and my department to get this point across to the workers.

HOUSING: We covered yesterday, and you, sir, rightly called me to task on it, and I will not mention it again.

SUPERVISION: It is all very well to say we should have more African supervisors, but I believe my staff will support me in saying that we have more trouble in regard to the Africans in charge of other Africans than probably from any other cause, especially in agriculture. Sometimes the overseers are much too harsh, sometimes they are completely slack and quite valueless. We have to train them up, we have to instil a sense of responsibility, and if there are any constructive suggestions on that I hope the hon. member will bring them to my notice, again at a meeting of the Labour Advisory Board. I do agree that we should work through Africans, but not any more than that bare state-

[Mr. Hyde-Clarke]

I do not feel competent to discuss the question of resident labour. I have explained that I am acting as an agent of Government, and the policy is not in my hands.

The hon. Member for African Interests, Mr. Jeremiah—I do not want to appear the least bit disrespectful, but if I now say that I understand the meaning of the word "Jeremiah" perhaps people will agree with me. (Laughter.) I have an uneasy feeling that his speech was written before mine was made yesterday, because I cannot help feeling that many of the points he made were those I had already covered. I do not feel that I should go over them again.

The only new point he mentioned was that of trade tests, and I am glad to hear that he is prepared to support them, unlike many of his colleagues. There is a good deal of misunderstanding on that subject, but that may be dealt with in a later item.

The hon. Member for Uasin-Gishu referred to the question of food again—I think I have sufficiently covered that. He also supported my view in regard to the value placed by the African on leisure. My whole point yesterday was that at the present state of development the African placed more cash value on leisure than I imagine he can get by increasing his own output. It is a fact, it is not a theory.

The hon. Member for Kiambu pointed out, quite rightly, that there are costs outside housing and food; he mentioned blankets, medical attention, sport, and welfare. Although I agree with him part of the way, I think it proper to say that those people who spend money on sport and welfare—and I am glad to say many do so—regard it as an investment in contented labour, and that is the proper way in which that expenditure should be looked at.

He mentioned a most important point which gives rise to a great deal of anxiety, the question of social security. He also mentioned, and tribute must be paid to those who do it, the large number of employers, especially farmers, who provide a measure of social security on their land.

One approach not mentioned was the question of housing owned by Africans.

Another approach will be in due course the introduction of some form of contributory pension scheme. We are a bit early for it, but we have papers on the subject and shall be circulating employers with our views for their comments. I agree entirely with the necessity for some sort of satellite housing, near Nairobi especially, but I see that it was particularly mentioned as being one of the terms of reference of my hon. friend the Member for Nairobi North, and I will not go over it again.

Just before I sit down I would like to take this opportunity of paying tribute to the co-operation and help I have received from all members on the other side of Council. I did not like to do this at the beginning because it would look as if you are asking for your own back to be scratched, but as that has already been done, and I am very grateful for it, it is at least my turn to repay the compliment.

I beg to move that Head 33, items 24 to 90 now be approved.

MR. MATHU: There was a question I wanted to ask a small point on item 16. I would like to ask the Labour Commissioner if the name of the post, African sub-inspector, could be changed to African inspector.

MR. HYDE-CLARKE: I have consulted my colleague on this subject and we would be happy to accept the proposal that African sub-inspectors shall henceforth be known as African inspectors. I apologize for moving the second lot when the first had not been put.

The question that items 1 to 23 be approved was put and carried.

MR. HYDE-CLARKE: I beg to move: That the rest of the items—items 24 to 90—be approved.

MR. PRESTON: I would like to raise one question. Item 81, 6 askari—may I ask the purpose of these askari? I see they are connected with registration.

MR. HYDE-CLARKE: Sir, we have a certain number of askari—we have called them askari rather than night watchmen—who look after the main building of the Registration Department. That is their function. They do not arrest anybody—anybody who has not done what they are supposed to have!

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that is the policy of Government; in terms of the Salaries Commission Report adopted by this Council, consolidated wages are provided for. There will be a gradual spread of this principle, but it must be gradual, to the outlying and more rural areas.

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#### Head 33—Labour Department Extraordinary

MR. HYDE-CLARKE: I beg to move: That Head 33, Labour Department Extraordinary, now be approved.

The question was put and carried.

#### Head 36—Military

MR. THORNLEY: Mr. Chairman, with the permission of Council I propose to leave Heads 34, 34A and 35 and 35A to be moved by my hon. friend the Member for Health and Local Government later in the sitting. The reason is that my hon. friend has assumed membership and control of these departments when I went home and has remained in charge since I came back.

I beg to move: That Head 36, Military, on page 155 of the draft estimates, be approved. My hon. friend the Member for Finance explained in his speech introducing the budget the increase under item 1. Since his speech was made there has, as hon. members know, been a conference with the United Kingdom Government in London, but beyond that I have nothing further which I can add at this moment, and the whole question is still under consideration.

The question was put and carried.

#### Heads 37 and 37A—Miscellaneous Services

MR. THORNLEY: Mr. Chairman, I beg to move: That Head 37, Miscellaneous Services, be approved.

MR. NATHO: Mr. Chairman, I rise to inquire about some information on item number 12.

MR. MATHU: Mr. Chairman, I would like some information on item 14, because I feel that we might be able to reduce that if the hon. member the mover agrees with me that it is high time we got Chege back from Kabarnet.

MR. O'CONNOR: Mr. Chairman, on a point of order, I suggest that the release of an individual deportee scarcely arises under this head. I understand that a question has been put down upon this subject, that has very recently been received, and there has not yet been time for it to be

considered. I suggest that the putting down of a question to ask for information is the proper and constitutional way of dealing with the matter which the hon. member has raised, and that it would not be right to anticipate Government's answer to that question in this debate. (Hear, hear.)

THE CHAIRMAN: I think it is out of order to raise the question of an individual deportee under an item for the expenses of native deportees. There are some other occasions when the matter can be raised, but it is not a Supply or Expenditure question properly.

MR. THORNLEY: In reply to the hon. member Mr. Mathu, this particular item No. 12, is here to provide the necessary finance when it is considered to be in the public interest that any officer of Government shall have any special course of training. This particular item has, for instance, been used for a police officer going home for a short course of training in the middle of his leave, and if the hon. member would like any further information I would be glad to let him know other types of courses for which this provision has been able to be made.

The question was put and carried.

MR. THORNLEY: Mr. Chairman, I beg to move: That Head 37A, Miscellaneous Services Extraordinary, be approved.

MR. HAVELOCK: Mr. Chairman, I do not know if any hon. member wishes to touch on items 1 to 3, but I wish to move the deletion of item 4, Item 4, Visit of Adviser on Whitley Councils—I move the deletion, not because I disapprove of Whitley Councils, I think they are probably very good things indeed. I understand the Public Works Department have already got Whitley Councils, and I expect they are working very well, but I do think that to spend £1,250 on importing a specialist on Whitley Councils from Britain is, as we have said before, an extravagance and a frill. I suggest that if Whitley Councils are working in the Public Works Department a lot of experience is being gained there. I suggest also that with reference to all the books on such councils that officers of this Government could quite easily draw up a scheme for the inauguration of Whitley Councils in other departments. At the same time I suggest if any officer of this Council is going to Britain on leave he

[Mr. Havelock] should be allowed an extension of a month or two in Britain in order to be trained and get the requisite knowledge about Whitley Councils there, where they have been in force some while. But I cannot see any reason at all why this sum of money should be spent on importing an expert of this type just for this particular job, and I beg to move the deletion of item No. 4

MR. HYDE-CLARKE: Mr. Chairman, I beg to oppose. I have great sympathy for my hon. friend the Member for Kiambu in his obvious earnest endeavour to reduce what may appear to him to be frills in our expenditure, but I feel extremely strongly on this myself. I have the honour to be vice-president of the Civil Servants' Association—a somewhat dubious honour, since it is rather like the maize in the millstone, between the top and the bottom!—But I am clear from my experience from the worm's eye view that all is not well in the machinery of the administration of the Civil Service. I am not going to dilate upon that, it was mentioned by my hon. friend the Member for Rift Valley, but the fact remains that there are a number of things which appear to be wrong to the average civil servant which are in fact (I know, I am satisfied myself after investigation) are not wrong.

Whitleyism is not a matter which can be picked up or got from a text book. The man we hope to get is the man who is the Chairman of the staff side of the Ministry of Labour Whitley Council, who has been in that post some twenty years. It is not the theory of Whitleyism that is going to be difficult, it is the practice of it, and unless you have the whole practice and procedure at your fingertips and know what is right to come before the Whitley Council and what should not come before the Whitley Council, I think we will not achieve our ends. I speak very diffidently at the moment although I am an elected member by the Civil Service of the Civil Service Advisory Board. That was an interim measure towards the introduction of Whitleyism, but it is not working—I will say so as a member—and the main reason is because there is not a person out here with sufficient knowledge and background of the procedure of the application of the system, especially on the European side,

so that we can afford not to have this man.

We know in our own department a little bit about it. We are experimenting on this African level. It is not bad, it is not good, but when we think of all the complications of the Civil Service, three or four races in the High Commission and ourselves, the various grades and—I can put it no other way—the disease in the mind of the Civil Service to-day, I believe the investment of some £1,250 is going to show a much more productive return than I think the hon. Member for Kiambu believes. I therefore reiterate, sir, I beg to oppose the motion.

MR. BLUNDELL: Mr. Chairman, this matter was discussed in another place, and at that time I voted for this. I would ask the hon. Member for Kiambu if he would withdraw his motion. I feel that I cannot myself support it very much for the reasons that the hon. Labour Commissioner has given us. There are two things I would just like to stress again. They are these: surely we are going to get this money back over and over again in the sweeter relations and more efficient working of our civil service. That is what I feel. I do not think it is a matter that can be started up by an amateur in what I might call human relationships. We have had experience from Home—experience in the United Kingdom, and I think we would be very unwise not to benefit from it.

Another matter is that as a result of the Salaries Commission I think the whole question of relationships in the Civil Service has been taken to a much lower level, and it is equally important that all the African civil servants should feel they are happy and content in their work. That is a very important aspect, and if this officer will contribute towards it then I am prepared to pay. One small point which I may be taking out of the mouth of the hon. Member for Kiambu. If it is going to benefit the High Commission, could not the watchdogs of the public purse opposite ask the High Commission to make some contribution towards it?

LADY SHAW: I am quite prepared to believe this adviser is essential, but it rather amazes me that he should be paid for out of the public purse. I cannot quite understand why, in a very large and presumably wealthy association such

[Lady Shaw]

as the Civil Servants' Association, they should not pay for it themselves. For that reason I support the motion moved by the hon. Member for Kiambu, not because I believe this is a job that can be done by an amateur, but I believe most associations, if they want a special adviser—even possibly a cricket coach in a club—would normally pay for it themselves. I cannot quite see why this particular adviser's emoluments should come out of the public purse; therefore I wish to support the motion.

MR. COOKE: I would like to support the hon. Labour Commissioner, but I think he went a little bit further than he meant to go when he said the Civil Service Advisory Board was not working. If it is not working we have not had any indication either from Government or the Civil Servants' Association that it is not working. We have never gone into the question of Whitley Councils or what comes under the umbrella of a Whitley Council, because it has never been really put to the Civil Service Advisory Board. I think it would be most reactionary to cut out this vote. The necessity of a Whitley Council has been recognized on all sides, not only in this country but throughout the Colonies and in England, and I personally strongly oppose any deletion.

MR. MORTIMER: Mr. Chairman, I beg to oppose the motion. I have had long experience of the Civil Servants' Association, being one of its founders and having held every office in the Association for a number of years. I believe I am right in saying I was the first advocate for Whitleyism in relation to the Civil Service in this Colony. I remember I wrote an article on the subject in 1920, and put forward what I thought was a reasonably sound scheme for the application of the Whitley Council principle. That was published in the *Civil Servants' Association Journal* but no one took the slightest notice of it! (Laughter.) Whitleyism is a principle that is being adopted more and more in ensuring right relations between employers and employees. It is not a question for the Civil Servants' Association but it is a matter for Government and it is, as the hon. Labour Commissioner has said, a very sound investment to make sure that we do step off on the right foot.

In reply to the hon. Member for Ukamba, who referred to the wealthy Civil Servants' Association, I would say that the Association's balance in the bank is extremely small at present. At the beginning of the war the Association had accumulated quite a considerable reserve fund running into £200 or £300, and the Association Council voted practically the whole of that sum to be handed over to the Government as a contribution to the war effort—(hear, hear)—and consequently the Association has had very little margin since that date. But as I have already said, this is not a matter for the Association but a matter for the Government to ensure that we do establish the Whitley principle in all departments on the right lines, and this will be a very good insurance premium.

MR. VASEY: Having supported this appointment in Standing Finance Committee, after detailed discussion, I feel I must oppose the hon. Member for Kiambu on this occasion.

MR. HYDE-CLARKE: Mr. Chairman, may I just take up one point in furtherance of what was said by the hon. Member for Health and Local Government in reply to the hon. Member for Ukamba. I quote from His Majesty's Treasury Staff Relations in the Civil Service, 1949, 9d. net., paragraph 16. "The original initiative in setting up a Whitley Council is taken by the employing authority."

MR. NATHOO: On the ground stated by the hon. Member for Nairobi North, I should like also to oppose the thing, but I would reiterate the statement of the hon. Member for Rift Valley that we should find out from Government whether they are prepared to approach the High Commission to continue part of the expenses.

LADY SHAW: On a matter of personal explanation, while I am perfectly prepared to agree with the hon. Labour Commissioner that it is the job of Government to initiate this matter of Whitley Councils, I do not necessarily admit for one moment that it is the job of Government to pay for their officers, which is quite a different matter.

MR. HAVELOCK: Mr. Chairman, most of the speakers opposing my motion have tried to stress the necessity of

[Mr. Havelock]

Whitley Councils and, as I said, I do not disagree. I think Whitley Councils may be very necessary, but I still consider it is unnecessary for a man to come out from Britain without knowledge of the background of this country, and it has been stressed by members on both sides of Council that in this country we have even greater problems probably as regards Whitleyism than in Britain, which will mean that a man without knowledge of the background of this country will have to spend months getting the picture before he can be any real use in advising how to put into practice Whitleyism, which I understand from the hon. Labour Commissioner is not easy to get from text books.

It has been suggested that one of our own officers should go to Britain and get the practical side there, and that, with the background he has already from serving in this country, it would be a very very much more practical way of doing it than the usual practice which I am getting so tired of, and other members too, of importing experts on every possible subject.

As regards the comments of my hon. colleagues on this side regarding the fact that this matter was studied in another place, I must make it quite clear that at that time I voted against it and I still press my motion.

MR. THORNLEY: Mr. Chairman, there is very little I need reply to as most of the points made have already received replies from other spokesmen on this side, but I should like to assure the hon. Member for the Coast that Government does appreciate . . . (inaudible due to aeroplane flying overhead) . . . Civil Service Advisory Board. (CHAIRMAN: That is something that even you cannot compete with!) (Laughter.) I think that what the hon. Labour Commissioner had in mind was that the actual work of Civil Service Advisory Boards is rather different from the work which will be performed by the Whitley Councils. It may not be generally known that Government has had some first class work from these Advisory Boards and is very grateful for it. \*

I understand from the hon. Member for Finance that there has been some discussion with the High Commission on

this question of whether or not they should contribute to the cost of this officer, and I will consult further with him on the suggestion made by hon. members on the other side.

In reply to the hon. Member for Kiambu, I am afraid that I must disagree with him strongly that on a matter of this kind we should find an officer here who has not had any previous experience of Whitleyism who would be able, as the hon. member suggested, after a comparatively short time at home to make himself sufficiently expert in the matter to get us off the mark on the right lines. I do not believe it is possible. It is a most technical business, and as regards the background which the officer from home will have before he comes here, we have made arrangements with the Director of Establishments to see him and to the best of his ability give him the full background against which he will have to work when submitting recommendations to this Government.

The question that item 4 be deleted was put and negated on a division by 29 votes to 4: Ayes—Messrs. Havelock, Macnochie-Wellwood, Preston, Lady Shaw, 4. Noes—Messrs. Anderson, Cooke, Davies Deverell, Erskine-Gillett, Hobson, Hope Jones, Hopkins, Hyde-Clarke, Jeremiah, Keyser, Mudan, Matthews, Mathu, Mortimer, Nathoo, O'Connor, Padley Patel, Patrick, Pritam, Rana, Rankine, Rhodes, Salim, Thornley, Usher, Vasey, 29. Not voting—Mr. Blundell, 1.

The question that Head 37A be approved was put and carried.

#### Heads 38 and 38A—Printing and Stationery

MR. THORNLEY: Mr. Chairman, I beg to move: That Head 38, Printing and Stationery, items 1 to 64, be approved. I think that the explanation in the memorandum is sufficient for the moment. If hon. members want to ask any questions I will do my best to reply.

MR. NATHOO: Mr. Chairman, there is one particular aspect of this department to which I should like to draw the attention of Government, and that is the delay we are having constantly in receiving particularly the Hansard of this Council. In spite of increasing expenditure, we do not seem to be getting any

[Mr. Nathoo] nearer what we want. I should like an assurance from Government that they will make a point of supplying us with Hansard as soon as the debates are over, so that the members can know exactly what transpired at that time.

MR. WELWOOD: Mr. Chairman, there are one or two questions I should like to ask on this vote. Certain members on this side are of the opinion that a great deal of money could be saved on the ever-increasing vote for the department if some of the reports of hon. members opposite were somewhat curtailed and condensed. We receive in this Council an enormous number of voluminous reports on a great variety of subjects. Every year the reports increase, and very often they are so voluminous that I doubt whether hon. members on both sides ever read them.

One other point that we wished to raise was that in certain cases when papers are laid on the table of this Council it might be possible to lay only one copy, and not supply copies to members unless they are asked for. Year by year this vote increases and increases, and it seems to be one of those votes on which economies could be effected. Although I am interested in the paper industry, I feel there is a limit to the amount of paper this country should consume.

MR. RANKINE: Mr. Chairman, no one would be more pleased than Government members to comply with the request which the hon. member has just made. It has always appeared to me that there is a great deal of waste in the laying of reports in this Council. On the other hand, any omission in the laying of reports is always very quickly brought to my notice, and hon. members will remember a debate which took place not very long ago in this Council when it was suggested that, in order to save paper, certain rules or regulations need not be laid, and there was immediately the strongest opposition. But, if it is the wish of the Council that when papers and reports are laid only one copy should be laid and others should not be distributed unless members ask for them, we shall be happy to comply with that request. I would merely like to point out that the decision as to how many copies should be printed must be taken at the

time the copies are printed. It is no use printing only a certain number, and then being asked later to distribute more, because by that time, if there is to be any saving, the saving has already been effected.

MR. BLUNDELL: I personally am rather doubtful whether we shall achieve much saving by merely limiting the number of copies. I imagine, although I do not know, that the actual cost of a copy is round about possibly 4d. or 5d. The cost comes in the use of the machinery and the labour in printing, and I think what my hon. friend the Member for Uasin Gishu was perhaps more interested in was whether we could not curtail somewhat the discursiveness in the reports—if that is the right word to use—the amount of matter in the reports. I think that some Government officers who quite naturally, are not able to hold forth in this Council, can impress people with the amount of work they are doing very often by an expansive report. That is where I think money could be saved.

MR. COOKE: Would it not be better to try to curtail the discursiveness in this Council before we try to deal with reports? (Laughter.)

THE CHAIRMAN: Well, I will put the question! (Laughter.)

MR. HAVELOCK: Mr. Chairman, may I refer to the memorandum. It is stated that the increase is £24,000 under item 64, and of that about £5,800 is in respect of extra staff, and that we get £10,000 extra revenue, presumably from supplying stationery and printed matter to the High Commission and the Posts and Telegraphs Department. I should like the hon. member to reply if he would, but it seems to me that for Kenya alone, working on these figures, we are budgeting for £9,000 worth more on both books and stationery, printing paper and sundries. If that is the case, I feel that we are hardly economizing as we are trying to do.

MR. VASEY: Mr. Chairman, I only have one point on this, and that is that I feel that the printing and stationery expenditure, when compared with the revenue shown, is at times hardly fair to the department that we are discussing. I feel that in many cases it is supplying other departments with material without its being fully charged out. What I

[Mr. Vasey] should like to see, if it is possible, is a policy of charging fully to all departments the expenditure that is incurred by the Printing and Stationery Department on their behalf, in order that this vote may not be perhaps attacked unfairly through lack of accurate knowledge in the years to come.

MR. THORNLEY: Mr. Chairman, in replying to the hon. member Mr. Nathoo, we on this side of Council are certainly every bit as anxious as hon. members opposite that Hansard shall appear as soon as possible after the debates as is physically practicable, but I would repeat the remarks of the hon. Member for the Coast and say that we should certainly get it very much quicker if we practised economy in words in this Council—and I must say that in my period as a member of this Council I never remember a bigger one than the Hansard report of the 1948/1949 budget session.

On the point made by the hon. Member for Kiambu, I have not had time to check his arithmetic, but it seems to me to be quite correct. But if he sat in my chair and had occasion to listen to the complaints—I am not necessarily blaming the Government Printer—the very great number of complaints I receive from departments and district offices regarding their difficulties in obtaining supplies of stationery to enable them to run their offices, I do not think he would think this £9,000 was excessive. The Government Printer has had his difficulties, and the hon. Administrative Secretary has only in the course of the last ten days consulted with him as to how best we could meet those difficulties. We have asked him to consider an arrangement exactly on the lines which the hon. Member for Nairobi North has suggested we should consider—that is, charging departments for the stationery and other supplies which they use.

The question was put and carried.

MR. THORNLEY: Mr. Chairman, I beg to move: That Head 38A, Printing and Stationery Extraordinary, be approved.

The question was put and carried.

#### Head 39—Registrar of Co-operative Societies

MR. THORNLEY: Mr. Chairman, I beg to move: That Head 39, Registrar of

Co-operative Societies, items 1 to 15, be approved. The memorandum explains the need for the increases in expenditure for which we seek to make provision in these estimates, and I do not propose now to expand on what is written there, unless hon. members express a desire that I should do so.

MR. HAVELOCK: Mr. Chairman, I am sorry to take up some more of Hansard, but I should like to ask the hon. member if he is quite satisfied that this department needs to be a separate department. I have here the 1947-1948 report of the Registrar of Co-operative Societies and I believe, having read it—which I have done—(laughter)—that a lot of this work could be done through the Agricultural Department and through the Administration.

Once again I want to voice the fear of many hon. members on this side at the new small departments being created and being added to from year to year. This is an excellent example. As will be seen from the memorandum, there are many posts that have been added. If I may quote: "On the recommendation of the Standing Finance Committee the following posts were created during 1949:—Assistant Registrar (African) and two Inspectors." But even without the advice of the Standing Finance Committee, there have been added an assistant registrar (European), one examiner of accounts (Asian), one clerk (African), one senior inspector, six inspectors, one office boy and one night watchman. That has been done entirely on the initiative of Government without any reference to anywhere, and if I do not get a satisfactory reply I wish to move the deletion of these new posts and no hon. member on this side of Council will need to vote against it because the matter has not been discussed in Standing Finance Committee. I should like, if the hon. member has time, to have an explanation of the reason for the great increase, and I will wait for a reply before moving any motion.

MR. THORNLEY: Mr. Chairman, I do with complete honesty feel quite convinced that there is a need for the increase for which provision is made in these estimates. This department is certainly a new one. It came into being with the approval of this Council in 1946; it got through in 1947 after some debate in this Council, but in 1948 when intro-

[Mr. Thornley] these estimates I thought they received a better blessing than the estimates of most other departments, in that the only anxiety which was expressed on the other side was that there might not be sufficient provision to enable the Registrar to operate efficiently. That, frankly—and I must be frank—is my anxiety in moving this motion. If it were not for the fact that I think it should be possible for the Registrar to have, in addition to the officers for whom provision is made here, the active assistance of a second officer from the general staff, I would honestly feel that with the gathering momentum, particularly in the Nyanza Province, the staff in the department would not be sufficient to cope with the ever-increasing numbers of new societies which are being enrolled.

I ought to let hon. members know that by the end of 1948 there were 75 societies enrolled by this department. In the course of the next year there were 141 other societies only awaiting the necessary guidance from the Registrar and his staff to get enrolled. Actually the staff that was available for him during this last year has not been sufficient to get all the societies enrolled which are waiting to be enrolled. I think that the department has a splendid record during these last three years, and I believe the hon. Member for Agriculture will support me when I claim for this department that it has contributed directly to our production effort in African areas. (Applause.)

I should perhaps also add for the information of hon. members that at the conference which recently took place in Jos, where land utilization was discussed, the point was very strongly made that the best, if not the only, way of increasing and stimulating agricultural production in peasant areas was by the introduction of group farming practices. I do submit with every confidence that these estimates err, if they do err, on the side of undue economy.

MAJOR KEYSER: Mr. Chairman, as hon. members on this side have further questions to ask over the matter, could we adjourn the debate at this stage?

THE CHAIRMAN: You may move that we report progress.

MAJOR KEYSER: I move that the Committee report progress—(MR. BLUNDELL: Slow progress.) (Laughter.)—and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### SEASONAL GREETINGS

MR. RANKINE: Mr. Speaker, I beg to move: That Council do now adjourn till 10 a.m. on Tuesday, January 10th, 1950. In doing so I should like to take the opportunity on behalf of members on this side of Council and of Government of wishing you, sir, and hon. members opposite the compliments of the season. And may I include in these good wishes the Clerk and the Reporters.

MAJOR KEYSER: In seconding that, may I thank the hon. member for wishing us the compliments of the season, and return them also?

THE SPEAKER: On behalf of myself and the staff, who like me are compelled most of the time at least to remain silent, I have much pleasure in wishing the staff a very happy new year and a very merry Christmas. They are the people who keep the Council going! (Applause.)

I am somewhat afraid I may be regarded sometimes like an inverted Micawber, sitting here waiting for something to turn down, but let me assure hon. members that during the last week or so I have restrained myself very much—(laughter)—and you have had a very good run. However, I hope that when the time comes you will return here very much refreshed and ready to tackle this terrible problem of expenditure.

With those few words I will now say that Council is adjourned until Tuesday, 10th January, 1950, at 10 a.m.

#### ADJOURNMENT

Council rose at 12.55 p.m. and adjourned until Tuesday, 10th January, 1950, at 10 a.m.

Tuesday, 10th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 10th January, 1950:

Mr. Speaker took the Chair at 10.10 a.m.

The proceedings were opened with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was taken by G. B. Mousley, Esq., Acting Member for Ukamba.

#### MINUTES

The minutes of the meeting of 22nd December, 1949, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. RANKINE:

Development and Reconstruction Authority quarterly report from 1st July to 30th September, 1949; Estimates Committee report on draft estimates of revenue and expenditure of the non-self-contained services of the East Africa High Commission for 1950; Annual report and report for last quarter of 1949 of the African Land Utilization and Settlement.

By MR. THORNLEY:

Labour Department annual report, 1948.

#### ORAL ANSWERS TO QUESTIONS

No. 86—DESTITUTE PERSONS VOTE

MR. MATHU:

Will Government please state fully how item 4, Head 17, Miscellaneous Services, Draft Estimates of Expenditure for 1950 is administered? If the answer shows that African destitute persons in Nairobi and elsewhere do not benefit from this item, will Government say whether they will arrange that such persons in Nairobi are maintained from this item or whether they will consider instituting an alms-house in Nairobi with a view to removing beggars from Nairobi streets?

MR. MATTHEWS: The vote in question is administered by the Accountant

General with the advice of a Committee consisting of persons experienced in social welfare work. Persons of all races are entitled to apply for assistance, such applications being vetted by the District Commissioners. At present by far the greatest number of persons being assisted are Africans. The rest of the question does not arise.

MR. USHER: Mr. Speaker, arising out of the question, is Government aware that a generation of district commissioners has tried to deal with this problem, and that a number of well-known beggars—particularly a gentleman known by the name of "Timber-Toes"—find the trade so profitable that the temptation of an alms-house or a pension is as nothing?

MR. MATTHEWS: I do not think that that requires an answer, sir.

No. 89—AFRICAN TRADING PLOTS

MR. MATHU:

Referring to Question No. 91 of 1948, will Government please say whether detailed plans exist for African trading plots at Kikuyu Station, Ruiru and Thika? If the answer is in the negative, will Government take action and produce the necessary plans so as to get on with the allocation of plots?

MR. MORTIMER: The position regarding African trading plots at Thika, Ruiru and Kikuyu Stations is as follows:—

At Thika the lay-out of the African Location, which makes provision for trading plots has been finally approved. A draft lay-out has been prepared for Ruiru, also making provision for African trading plots, but has not yet been finally approved.

It is hoped to proceed with the allocation of the trading plots in both these townships in the near future.

As regards Kikuyu Station Trading Centre, a certain number of plots have been allocated here in the past. On the advice of the medical officer of health, however, the district commissioner has decided that no further plots should be allocated until a proper lay-out of the trading centre can be undertaken. This lay-out will be done as soon as the staff position permits.

MR. CHEMALLAN: Mr. Speaker, arising out of that answer, may we be told what has been done in the township of Eldoret?

MR. MORTIMER: Mr. Speaker, I did not fully hear the hon. member's question but the portion that I heard suggested that it does not really arise out of the answer to this question, and if the hon. member wants information about other townships he should ask for it.

MR. COOKE: Will Government take steps to dissuade Africans from building trading centres in unauthorized places?

MR. MORTIMER: Yes, sir. That subject has been a matter of great concern to Government during the last few months, and we are on the verge of producing draft legislation to place before Council which will have the effect, we trust, of definitely controlling the erection of trade buildings both along road sites and any other unauthorized places.

#### NO. 90—BURNING OF HUTS AND CROPS

MR. MATIU:

Is Government aware of the ill feeling existing among the Kitui Akamba and the Meru as a result of official action in burning huts and crops at Kanziko to make room for the Tsavo National Park and in demolishing and burning 16 huts at Mwikithia in the Meru district? If the answer is in the affirmative, will Government state what alternative accommodation and compensation for the disturbance will be offered to the people concerned?

MR. DAVIES: Government has no knowledge of the burning of huts and crops at Kanziko but it is possible that the hon. member is referring to the eviction of a number of Akamba from the neighbouring locations of the Kitui district, including Kanziko, who trespassed in the Tsavo National Park from the native land unit despite repeated warnings. In August, 1948, a final order to move was given and most of the trespassers obeyed. More than a month later, at a time specifically fixed, because there were no standing crops on the ground, the huts of the few who remained were demolished. The trespassers were allowed to remove their property and their stocks of food, and the huts were pulled down and not burnt as alleged.

2. Similarly, Government has no knowledge of the burning of huts at Mwikithia in the Meru district but the reference may be to the area known as Mwingithia Kia Itheja which was set aside in accordance with the provision of the Native Lands Trust Ordinance in the interests and with the support of the Meru people for the establishment of a cattle breeding centre. In this case, the inhabitants, some eight in number, were given six months in which to move. Compensation was assessed, and no appeal against the amount of the compensation was made to the Governor under the provisions of section 17 (5) of the Native Lands Trust Ordinance. At the end of the stipulated period, three people had not moved and the order was repeated, with the result that the owners of the huts themselves removed and rebuilt their dwellings outside the area set apart. With the exception of a few ill-disposed persons who are known to have been collecting money for the purpose of opposing this Meru centre, Government is not aware of any ill feeling among the Akamba and the Meru as a result of the actions described: Since the people concerned have, in both cases, already moved elsewhere, the question of providing alternative accommodation does not arise, nor does Government consider that the circumstances justify the paying of any further compensation other than that already agreed upon in the case of the Meru.

#### NO. 93—NATURALIZATION

MR. MACONOCHE-WELWOOD:

Will Government please say how many persons were naturalized, and how many were refused naturalization in 1947 and 1948?

MR. O'CONNOR: Naturalization was virtually suspended during the war, and an officer was placed on special duty in September, 1947, to deal with the applications, that had accumulated. A certain number of cases were disposed of by him, but progress was slow until the Naturalization Committee was set up in December, 1947.

In 1947, 36 persons were naturalized, 11 applications were refused, and the consideration of three applications was deferred. In 1948, 128 persons were naturalized, 47 applications were refused, and 35 deferred.

#### NO. 94—MOMBASA IMMIGRATION OFFICE

DR. RANA (for Mr. Salim, absent):

Is Government aware of the inconvenience and hardship caused to the public by the Mombasa Immigration Office being closed when passenger ships arrive at the port? If so, what steps can be taken to remedy the position?

MR. O'CONNOR: Government is not aware of any inconvenience or hardship caused to the public by the Mombasa Immigration Office being closed when passenger ships arrive at the port. The office is only closed, for the convenience of passengers, on the arrival of ships containing a large number of immigrants so as to enable the whole of the staff of the office to board the ship to deal with it more expeditiously than would otherwise be possible. No complaints about this procedure have been received by the Principal Immigration Officer or by the Government.

#### NO. 99—CHEGE KIBACHIA

MR. CHEMALLAN:

Will Government please consider the release of Chege Kibachia who was interned in the Baringo district after the Mombasa labour disputes of the year 1947?

MR. O'CONNOR: The cases of persons "deported" under the Deportation Ordinance to places within the Colony are considered periodically. In accordance with this arrangement the case of Chege Kibachia was considered some months ago and will come up again for review shortly.

#### BILLS

##### FIRST READINGS

On the motion of Mr. O'Connor, seconded by Mr. Hobson, the Kenya Meat Commission Bill, the Flax (Temporary Suspension) Bill, and the Municipalities (Amendment) Bill were read a first time, and notice given that the subsequent stages would be taken during the present session.

#### GUARANTEE (HIGH COMMISSION RAILWAYS AND HARBOURS LOAN) BILL

##### SECOND READING: CONTINUED

The debate was continued.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I rise to make a few points

both on the principle of this Bill and the very short notice which was given to this Council when it was brought forward.

I am aware that the attitude on this side of Council on this Bill must have caused a great deal of annoyance and inconvenience to hon. members opposite, but I would ask them to remember that we on this side of Council are in a somewhat different position from them; for they are in part responsible to His Majesty's Government in England, and in part to East Africa as a whole, and in part to the Colony of Kenya. We on our side have one obligation, and one only, which is the interests of the taxpayers and people of this country who are committed to our charge.

Now, we may be told that the matter of this Bill is purely academic because, after all, this Council has agreed to the amalgamation of the Railways, and furthermore it might be suggested that, if the Railways could not service this loan, the country would be bankrupt anyway. Well, I cannot agree with either of those points. Amalgamation was passed by this Council on the strength of the rather highly coloured and I think not entirely correct prospectus. I refer to Sessional Paper No. 1 of 1948, and I think therefore that we have every right to ask for safeguards and information before we agree to turn the people of this country into what I would describe as an unlimited liability company. All of us have been brought up to the belief that unlimited liability companies are rather dangerous.

All of us have been brought up to the belief that to back another man's bill is always dangerous, but if you do not know the man it is infinitely more dangerous, and I would point out that we on this side have very little knowledge of Tanganyika and its affairs, and hon. members opposite have not given us a very great deal of information about it. I would remind you that half this loan, about £9,150,000, is primarily for the benefit of Tanganyika and its railways, and probably out of the residual of the loan their share will be another £2-million or £3-million so that in fact about half this loan will be for the benefit of the Tanganyika Railways and not for the benefit of what was the old Kenya and Uganda Railway.



[Mr. Maconochie-Welwood]

At the time of the amalgamation, the Tanganyika Railways were not in a very fortunate position. They had no reserves, they had no provision for renewals, they had nothing; and at this point, if I may be forgiven, I would like to say that the Kenya and Uganda Railways were in a position of unparalleled strength. There is one point here I should like to make which I do not think many people realize, and that is that during the slump of 1930, 1931 and 1932, when railways all over the world were in a state of despondency, the Kenya and Uganda Railways, although it made losses for those three years—it made deficits in 1930, 1931 and 1932 totalling £550,000, which it met out of reserves—by the end of the slump, in 1933 and 1934, it had already completely replaced those reserves and rebuilt them to the standard they were at before the slump, of something over £1,300,000. (Applause.)

I mention those figures to show why we are so careful and so chary of jeopardizing the position of our own Railway. It is true that that achievement of the Railway was achieved not alone, by the efficiency of its staff and the general efficiency of the system; it was also inevitably the result of considerable sacrifice by the users of the Railway. The rates, it is true, were not raised during the slump, but nor were they lowered, and during the slump the people of this country managed to rebuild the situation of their own Railway to this magnificent result, and it was not done, I repeat, without sacrifice on the part of Railway users.

If we accept this guarantee, we accept it not alone as the taxpayers of the Colony, but we accept it naturally as Railway users, as our system is already paying extremely well and we have no knowledge whether the Tanganyika system is paying or not.

As to the second point which might be raised, that after all if the Railways are bankrupt the country is bankrupt too, I would remind you that many times in the last 50 years the railways of certain countries, as those of us who may hold their shares know only too well, have passed dividends. It is just this passing of dividends that we are asked to guarantee. I do not think the Kenya and Uganda Railway would pass a

dividend. It would be an inconceivable thing to happen, having as it has a reserve to-day of £9-million—and the Tanganyika Railway, to the best of my knowledge, has no reserves at all.

What we would like to know here is whether the future of Tanganyika and its railway is going to be rosier than its rather lamentable past. That depends very largely, we are told—or were told at the time of the amalgamation—on the efforts of Mr. Strachey and the Overseas Food Corporation, and on certain minor ventures.

I do not want to waste the time of Council beating the ground-nut scheme, when it is already down, but I would say this about it: that it was founded on the idea of nationalized agriculture, which has proved a failure in every country so far where it has been tried—and that in a country where agriculture is probably the most difficult in the world. At the time that the amalgamation took place no agriculturalist of African experience hoped much of the ground-nut scheme. However, we were told by Sir Reginald Robins that after all the spending of £24-million in Tanganyika would be bound to put the Railways on a very much better footing. I only hoped that has been so, I have felt sceptical myself, because I thought that £24-million invested very largely in waste and mismanagement is rather an imponderable freight for a railway to carry. I was also rather afraid, and I remain afraid, that a one-way freight of capital and machinery brought in for the scheme is not the best thing on which to run a railway, if there is no outgoing freight. So much for the ground-nut scheme.

Of the mining ventures of Tanganyika we know less than nothing, and Government has not informed us of what is happening there; nor, very possibly, do they know. But when we are asked to support this Bill we want to know the position of the mining industry in Tanganyika and what is going on there. Mining shares are notoriously a speculative investment, and we are investing, or rather are risking by collateral guarantee the trust funds of this country, and we would like to know something of these mining ventures, for we live in very difficult times, when it is difficult to see 40 or 50 years ahead. I am not un-

[Mr. Maconochie-Welwood]

aware that the amalgamation of the Railways, and all that goes with it, such as this Bill, may bring great economic benefits not only to Tanganyika but to this country, and to Uganda as well in that time; but we find it difficult to see more than a few years ahead to-day, and I doubt if any statesman can. For that reason, again I repeat we want to know more of the immediate prospects of Tanganyika and its Railways.

It is some time since the hon. Member for Trans Nzoia spoke on this matter, and perhaps I may be forgiven if I repeat some of the matters which he raised, which are worrying him and are worrying us.

When the amalgamation of the Railways took place we wished to be assured that not only the loan and sinking charges of the Southern Railway and Mtwara Port were guaranteed by the Overseas Food Corporation, but we also wished—in fact it was put in an amendment in this Council to the original amalgamation—that the operational costs of this Railway should also be guaranteed by the Overseas Food Corporation. If, as we are led to believe, that was not done, we would rather like an explanation as to why the fact that it was not done was not placed before this Council, and further we would desire, before we agree to this Bill, that Government should give their assurance that the operational costs are covered and will be covered by the guarantee of the Overseas Food Corporation. When dealing with the Overseas Food Corporation, I should like to say that we would like a reassurance that, in the event of the activities of the Overseas Food Corporation ceasing in Tanganyika, His Majesty's Treasury would be responsible for the guarantees that they (the Overseas Food Corporation) had given.

There is another point which was raised and which exercises us very considerably, and that is the question of the Mpanda Mine and the guarantee given for its success. We have been told, and were told in the debate in the Central Assembly by Sir Reginald Robins, that in fact the mining company guaranteed the loan. Well, we are not satisfied with that guarantee. I do not think anybody could be satisfied with a guarantee of that sort, because no mining company

which failed could possibly meet the liability for a railway line which it could no longer use. Therefore, we should like to know who is ultimately responsible, should that line fail, and we wish to be assured that in the event of such failure the loss will not fall upon the Railway or upon the people of Kenya or Uganda.

There are one or two more points which we should like reassurances on. One is that the Government should negotiate with the other two territories, so that the liability for this loan is divided into three parts, and each territory would be responsible for a third of it. At the time of the amalgamation we asked that any future railway loans should be floated by the Railway, and we were told it was hoped that steps might be taken to acquire the land used by the Railway, so that it could be by itself a trustee investment. As far as we can make out, nothing has been done in this matter at all, and we would like Government to state that they will investigate the possibilities of doing this, and furthermore that they will confer with the other territories and ask them to do the same, in order that in future loans may be floated on railway security.

We have certain fears in this matter, not because we fear that in the ultimate issue the guarantee for this loan will mean anything to the taxpayers of the Colony. As I have said before, I think that is the remotest contingency. It is, after all, a loan of £24-million and the Kenya and Uganda Railway has after all reserves and renewals funds of about £9-million. But what we are afraid of is that we may be called upon, firstly by a rise in rates and only ultimately by taxation, to meet anything in the form of the interest upon this loan. We know the Railway of old. It is efficient, intensely efficient, and it has the great advantage which no other railway in the world has, as Major Grogan once remarked in this Council, of owning the country rather than the Railway being owned by the country, and therefore we can be quite certain that long before any question of our having to honour this guarantee comes up our rates would rise to meet it.

What we feel in this matter is that the sound economy of Kenya and Uganda, which has been built up by the private enterprise of all the races

[Mr. Maconochie-Welwood] of those countries, is being used at the present moment to forward the schemes of Mr. Strachey and other in Tanganyika, which has a different system of government and a different way of going about things, and for that reason we have been extremely doubtful about it; but in view of the facts and figures which I have mentioned in the Kenya and Uganda Railway and its strength we would have no objection whatever to supporting this Bill if the assurances I have asked for could be given by hon. members opposite. It is not that we lack faith, even in Tanganyika, but not unnaturally we lack faith in some of the schemes there. We lack faith in the Overseas Food Corporation and we lack information about the mining matters there. Some of us even have fears that Tanganyika is not trying to develop its mining industry by encouraging prospecting, by encouraging private investment in the territory, which is the only way great geological and mining surveys have been made. It is not that we think Tanganyika Territory will not grow nuts—I think it very probably will—but we are fairly convinced that Mr. Strachey's administration will not grow them. That and that alone is why we have been distrustful in this debate.

I do not think there is anything more that I need say in this matter. I cannot at this stage say that I support the Bill. What I can say is that if the questions I have asked are satisfactorily answered and the assurances given, I will then unhesitatingly support the Bill, because ultimately I do not believe that there is any risk to the taxpayer here, though there well might be to the Railway user. (Applause.)

MR. THORNLEY: Mr. Speaker, my hon. friend the Member for Law and Order will follow me and explain the legal position regarding this Bill, but a number of questions have already been raised, first of all in the speech by my hon. friend the Member for Trans Nzoia before Christmas, to which hon. members on this side of Council had no opportunity of replying before the debate was adjourned. Again, further points have been raised this morning and certain assurances asked for by my hon. friend the Member for Usin Gishu. I think, therefore, that it may be helpful if I

intervene now in an endeavour to reply to these points, with explanations which I hope will be to the satisfaction of hon. members generally, and will have the effect of setting their minds at rest on matters which we on this side of Council do appreciate are of genuine concern to them.

I will deal first, if I may, with the Overseas Food Corporation.

The hon. Member for Trans Nzoia, and again the hon. Member for Usin Gishu this morning, have made it clear that some members feel that the conditions which they insisted upon at the time of the amalgamation were not complied with in the agreement between the Corporation and the Transport administration, in so far as no financial provision was made to cover losses incurred in operating this part of the transport system. I am told by the Commissioner for Transport that, in view of the fact that at that time the British Government had pledged itself to the planting of the full acreage in the Southern Province which would have provided ample traffic, and as he, the Commissioner, had insisted on the application of full standard tariff charges to Corporation traffic, the requirement of this Legislative Council had been met. When, however, the position changed last November on the announcement by the Food Minister of the revised plans on a considerably reduced scale of production, the question of the guarantee was immediately reopened, and I am glad to be able to inform hon. members that the Commissioner for Transport has informed me that he has received a telegram from the Overseas Food Corporation indicating that they are prepared to amend their agreement with the Transport administration to guarantee interest and sinking fund and operational costs (applause) to the extent that these are not covered by revenue from all traffic handled or carried on this section, provided that any operating losses in the earlier years of the ten-year period would be set off against operating surpluses, if any, during the later years. The Commissioner for Transport—and I am sure that all hon. members will agree with him—considers this proviso is reasonable.

It has been suggested this morning by the hon. Member for Usin Gishu that this Government should give an assur-

[Mr. Thornley] ance that the obligations in this agreement will be accepted as a liability by His Majesty's Treasury. Whilst it is true that the Treasury has had an active part in negotiating this agreement—and indeed it is difficult to imagine a situation arising in which His Majesty's Government would not ensure that a guarantee given by the Overseas Food Corporation was honoured—it is not nevertheless within the power of this Government to give an assurance of this kind. If hon. members consider the matter of such importance, I can, however, undertake that their views will be made available to the Secretary of State. But while on this subject I should like to add—because it does in particular have reference to the question asked by the hon. Member for Usin Gishu this morning, as to whether Tanganyika Territory is paying or not—that I have been informed by the Commissioner for Transport that more traffic is passing over the Tanganyika section than in the pre-amalgamation year; and not only that, but that some new traffic which was not envisaged at the time of the amalgamation has since developed.

I now turn to the question specifically raised this morning, of the Mpanda Mine. This Government is assured by the Commissioner for Transport that this matter has been examined by the Transport Advisory Council, and that that body is satisfied that in the event of the mine failing to fulfil its obligations—and there is no reason whatever to assume that it will so fail—the financial consequence will not fall on the Railway Administration or on this Government.

MAJOR KEYSER: Mr. Speaker, would the hon. member tell us, if the liability for loss will not fall on this Government of Kenya or on the East African Railways and Harbours, whether it will fall on the Government of Tanganyika Territory?

MR. THORNLEY: Yes. (Applause.) That, I think, provides the assurance asked for by the hon. Member for Usin Gishu.

I know very well that a number of hon. members feel that the whole question of the Railway Administration raising loans might be greatly facilitated if steps could be taken to vest or lease

the land on which the Railway stands in the Transport administration, and statements have been made in this Council in the past that this matter would be considered. In what I am going to say on this it must be understood that I can, of course, only speak for the Government of Kenya and in no way for the Governments of Uganda or Tanganyika, but the position here in Kenya is that this question has, in fact, been examined at great length. Many difficulties exist, more so in urban areas than in rural areas. But if hon. members opposite really do desire it, this Government is prepared to have the matter re-examined to see if a solution in Kenya could be found along these lines.

I would, however, like to assure hon. members that a solution on these lines would certainly not be without certain difficulties and/or disadvantages, and in any case—as was suggested by the hon. Member for Usin Gishu this morning—if such an arrangement were to be really effective it would be necessary for the investigation to embrace all three territories, and as it seems clear from what the hon. member has said that this is the wish of hon. members opposite, this Government undertakes to raise the matter in the Central Assembly to see whether it would be possible for the investigation to be made by the High Commission.

The Government has also been asked to give an assurance that the existence of the guarantee referred to in the Bill and the existing public debt incurred on behalf of the Railway, will not prejudice the loan-raising capacity of this Government. I can only say that on the best advice which can be obtained in London we are assured that the loan-raising capacity of the Government will not be affected by these commitments. (Applause.)

On the question, sir, of apportionment of liability, should such a disaster fall upon us—and which, in our opinion, is most remote—the Government is already in negotiation with the neighbouring territories in order to fix the joint guarantee liability at £8,000,000 each.

As regards the future, hon. members have made it clear that they wish steps to be taken to ensure that in any future loans of this kind the guarantee to be

[Mr. Thornley] given by the Government of Kenya should be restricted to one-third of the total. This would involve an amendment to the Colonial Stock Act extension to High Commission Order, 1949, which is not within the competence of this Government, and which is, not without difficulty, but Government will examine the matter in consultation with the Secretary of State.

I have tried to cover most of the points which have been raised so far during this debate and to deal with matters which we know to be troubling the minds of hon. members opposite. In the course of what I have said, I have stated that some of these matters are even now being attended to by Government. I have also given certain assurances regarding action which Government is prepared to take in the future, but I must make it clear that these negotiations, where they have been mentioned, and assurances that other matters will be looked into, must take time, and in the meantime the Transport administration is urgently in need of loan money. If this money is not forthcoming then the Administration will certainly be in a difficult position. It will be clear to hon. members from the Schedule to the Bill that by no means all the expenditure to be incurred out of these funds is on behalf of our neighbours. In fact, if this money is not to be forthcoming we may well find ourselves here in Kenya in difficulty, as the Transport administration may well be unable to provide us with facilities which we urgently require, and which I am perfectly certain that all hon. members in this Council wish to be provided.

I was encouraged by the very forthright statement by the hon. Member for Uasin Gishu that, if the various points which he mentioned could be satisfactorily answered, he himself would be ready to support this Bill. Approached in that attitude I feel sure that a satisfactory conclusion will result from this debate. I do therefore most urgently recommend to hon. members that this Bill be read a second time to-day with a view to its passage through all its stages without any further delay. I beg to support.

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

Mr. O'CONNOR: Mr. Speaker, before the adjournment of the Council for the Christmas recess, the hon. Member for Trans Nzoia had asked for an explanation of the necessity for and the effect of clause 7 of the Bill. Clause 7 reads: "If at any time hereafter an Ordinance is passed which appears to the Secretary of State to alter any of the provisions affecting the High Commission (Railways and Harbours Loan) securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to these securities, that Ordinance may properly be disallowed".

I am sure that hon. members will all agree that it is most desirable that this loan should have trustee status, and, in order that the loan may be available for investment of trust funds by trustees in the United Kingdom, it is necessary not only that the stock should be registered under the Colonial Stock Acts, 1877 and 1900, and 1948, but that there should also have been observed such conditions as the Treasury may by order have prescribed. That obligation arises from section 2 of the Colonial Stock Act, 1900, a portion of which reads as follows: "The securities in which a trustee may invest under the powers of the Trustee Act, 1893, shall include any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 and 1892, as amended by this Act, and with respect to which there have been observed such conditions (if any) as the Treasury may by order notified in the *London Gazette* prescribe."

The Treasury did prescribe and notify in the *London Gazette* certain conditions which should apply to these colonial loans in the year 1900 by a Treasury Order dated 6th December of that year, and the conditions prescribed were: "1. The Colony shall provide by legislation for the payment out of the revenues of the Colony of any sums which may become payable to stockholders under any judgment, decree, rule or order of a Court in the United Kingdom. 2. The Colony shall satisfy the Treasury that adequate funds (as and when required) will be made available in the United Kingdom to meet any such judgment, decree, rule or order."

[Mr. O'Connor]

And then this, which corresponds to the clause under discussion: "3. The Colonial Government shall place on record a formal expression of their opinion, that any Colonial legislation which appears to the Imperial Government to alter any of the provisions affecting the stock to the injury of the stockholder, or to involve a departure from the original contract in regard to the stock, would properly be disallowed."

It is plain that the stock cannot have trustee status unless those conditions are observed, and I would make the point that there is nothing new about this. Those conditions date from 1900, and in 1921 the Kenya Legislature, when dealing with its own trustee investments, passed an Ordinance entitled "The Trustee Investment in Kenya Government Securities Ordinance" which contains sections very similar to some of the clauses in this Bill, and in particular contains section 6, which reads as follows: "If at any time hereafter an Ordinance is passed which appears to the Imperial Government to alter any of the provisions affecting the Government securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to these securities, that Ordinance will properly be disallowed." That is practically word for word the Treasury condition which I read.

That applies to Kenya trust securities, and would not apply to High Commission securities. High Commission securities are dealt with by an Order in Council, which came into operation last year, by which the provisions of the Colonial Stock Acts were extended to stock issued by the High Commission in respect of which the conditions set out in the Order in Council were observed. The conditions set out in the Order in Council were very similar to those which I have already read: "The following conditions shall have effect...:— (a) Provisions shall have been made by legislation of the High Commission for the payment out of the funds of the service in respect of which the stock has been issued, and by legislation of the Territories for payment out of the revenues of the Territories, of any sums which may become payable to stockholders under any judgment, decree,

rule, or order of a court in the United Kingdom."

Hon. members will note "any sums". This is interpreted as involving the necessity for each territory to guarantee the whole amount. I understand that any other arrangement would not be acceptable and is not considered to comply with the terms of the Order in Council.

The next condition is—"The Treasury shall have been satisfied that adequate funds, as and when required, will be available in the United Kingdom to meet any such judgment, decree, rule, or order." And thirdly: "The High Commission and the Governments of the Territories shall have placed on record formal expressions of their opinion that any legislation either of the High Commission or of the Territories which appears to His Majesty's Government in the United Kingdom to alter any of the provisions affecting the stock to the injury of the stockholders, or to involve a departure from the original contract in regard to the stock, would properly be disallowed."

So it is plain that, in order to comply with the conditions of the Order in Council, we must have a provision of the nature set out in clause 7.

So much for the necessity of the clause.

With regard to an explanation for it, I think it is fairly plain what the wording means, but I may say that, of course, in one sense the clause is redundant, because constitutionally His Majesty may disallow any Ordinance. It is probably inserted to give confidence to investors and to have it expressly stated that if, for instance, anyone should try and repeal or alter this guarantee, or to vary the original contract—for instance to vary the issue terms of the stock to the detriment of the stockholders—that Ordinance might properly be disallowed and the Legislature would have already placed on record its opinion that that would be a proper course.

I hope that what I have said will be enough to assure hon. members that this is common form provision and that there is nothing sinister about it. There is only one more point which I ought to make, and that is that, in order to make the clause comply verbatim with the condition of the Order in Council

[Mr. O'Connor] which I have read, it will be necessary for me to move in Committee to substitute for the words "the Secretary of State" the words "His Majesty's Government in the United Kingdom". I do not think that is a material alteration, but in order that we should comply exactly with the conditions of the Order in Council, I shall move that amendment in Committee.

MR. HAVELOCK: Mr. Speaker, arising from the speech we have just heard from the hon. Member for Law and Order, I think it is only right to say that the fears that were held on this side of Council as regards clause 7 have been very greatly met, but behind the fears on this side was the suggestion that possibly clause 7 might preclude this country, Kenya, from raising further loans for our own benefit, because of the guarantee given to this particular Railway loan. I understand from the very difficult and rather intricate legal position which has been outlined to us by the hon. and learned member that Government has no such fears, and my fears on that particular subject are now met.

But I should like to refer to the speech of the hon. Deputy Chief Secretary. I am very pleased indeed to hear that the Overseas Food Corporation has guaranteed the operational losses on the Mtwara line in future, but I must admit that I do not think the explanations given for the reasons for the agreement which was drawn up by the Transport Administration with the Overseas Food Corporation, meeting the stipulations laid down by this Council, were really very satisfactory. The reasons given to us were that the Member for Transport considered that, as the Overseas Food Corporation had guaranteed to plant their full acreage, and that as the rates on the Mtwara line would be standard rates, therefore the operational costs would be covered. I should like to point out that planting does not mean reaping, and that there must be a two-way traffic on that line in order to cover those costs. The fact that so many thousands of acres of ground-nuts were to be planted does, of course, guarantee that there would be one-way traffic—i.e. capital coming in in the form of tractors and so on from the port—but it by no

means guarantees that there would be backward traffic, i.e. ground-nuts coming back from the ground-nut areas to the port. I am just mentioning that. I am quite satisfied about the guarantee, but I do feel that Government should take great care in future over such matters, and I hope they will impress upon the officers of the High Commission and Transport Administration the necessity for going into these agreements in great detail and with a lot of advice from practical people.

There is only one more aspect I should like to bring up. That is, that when this agreement as regards the distribution of the responsibility for the £24-million has been drawn up, which we have been told to-day will be drawn up between the territories—in other words that Kenya will bear £8-million, Tanganyika £8-million and Uganda £8-million—then the total loan capital behind the Railway system will be, I believe, somewhere in the region of £32-million; that is the new loan and the old loan, after redemption of some £5-million of old loan money out of this new loan, which I believe is what will probably happen. Of that £31-million or £32-million, being the total loan liability of the East African Transport system, this country will bear the responsibility for very nearly 50 per cent, if not over 50 per cent. I merely want to make that point, because I believe that that in itself is a real ground for faith in the transport system of the East African Railways and in this loan, I believe so strongly in the security and economic strength of Kenya, that if Kenya is the major guarantor of the capital of the East African Railways and Harbours, then the East African Railways and Harbours have nothing to fear. (Hear, hear.)

I should like to point out one thing. If one takes the analogy of normal private enterprise, you would find that the majority shareholder or guarantor of a company would not only receive major benefits, which of course is natural—and I am quite sure that Kenya will receive the majority of the benefits from the East African Railways and Harbours system—not only will they receive major benefits, but also they would have major control. In the particular set-up at the moment, of course, that is not the case. Kenya is the major shareholder, but I

[Mr. Havelock] submit that Kenya is only equal with the other shareholders as regards responsibilities and control. It is only a point I should like noted. I need say nothing further on that particular point.

In view of the assurances we have received, I reiterate that I myself am dissatisfied with what has happened in the past, but I am satisfied with what Government assures us will happen in the future. Therefore I beg to support.

MR. VASEY: Mr. Speaker, I think I may say that at this point in the debate I speak on behalf of the private members of this side of the Council to a great extent.

Let me first of all emphasize the reasons for the questions that we have put forward in order that when this debate is read in other countries our attitude shall be understood. We were presented with a request, as it were, to underwrite a loan in a business which was operated by a joint board of three territories. We regarded ourselves on this side of the Council as being, as it were, not only co-shareholders but co-directors, in that enterprise, and as would be common with any business director, we found on investigation that there were certain questions which we believe our other co-directors in other territories should have asked. As those questions had not been asked, it became the somewhat unpleasant duty of the private members on this side of the Council to ask them. We had to make perfectly certain that the southern branch, or the activities of the Corporation we are now underwriting by guarantee, that the southern branch had not entered into business contracts which were liable to affect the whole, and liable to throw open a far greater chance of our having to sustain our guarantee.

I think it is correct to say that with the announcement by Government speakers of the new phase of the agreement between the Transport Administration and the Overseas Food Corporation, and with the announcement that the Mpanda Mine guarantee is in fact backed by the Government of Tanganyika, we on this side of the House are satisfied that no final loss will fall on the East African Railways and

Harbours and on the taxpayers of this country. We are satisfied, too, with the great majority of the assurances that have been given by Government in this matter.

Nothing now remains for me to say, except to say that we have no doubt about the stability and the efficiency of East African Railways and Harbours. (Hear, hear.) We have no doubt about their ability to carry a loan of this magnitude. Without having to do more in the future than say "Thank you" to the territorial Governments for the action taken in guaranteeing the loan, we would like that definitely understood. We would like to emphasize again that our request is for information rather than criticism and, on behalf of the private members of this Council, I can say that we shall support this Bill and give it God-speed.

MR. MATTHEWS: Mr. Speaker, in view of what has been stated from the other side of this Council, and in view of the speeches and points that have been made by my hon. colleagues on this side of the Council, I think there is no need for me to take up the time of this Council for very much longer. Perhaps it would be as well if I repeated that, as financial adviser to this Government and, if I may say so, financial adviser to this Council, I am quite satisfied on the assurances given from the best possible sources in London that our capacity to raise loans will in no way be adversely affected by our giving this guarantee. (Hear, hear.) What is more, on the same advice—there is the question of capacity to raise loans, but of course it is a question of the terms on which we raise those loans, and from the same expert sources, in fact the best possible sources available—we have the assurance that in fact our giving of this guarantee will not adversely affect the terms. It is in these circumstances, sir, that I have felt it possible to advise the Government to proceed with this Bill.

The hon. Member for Trans-Nzoia did raise one point which has not so far been replied to. He asked me as the mover to state whether in my knowledge there was any proposal to raise the rates on the Railway in Kenya because of amalgamation. I can answer with a categorical "no". There is no such proposal, and may I point out that any proposal to raise rates, be it on account

[Mr. Matthews]

of amalgamation or on account of any other reason whatever, would first of all have to be placed before the Railway Committee on which Kenya is represented, thereafter before the Transport Advisory Council—again on which Kenya is represented—and finally, sir, that proposal would have to be placed before the Central Assembly in the form of estimates, and I suggest there is no question, with that procedure, of anybody ever being rushed into agreeing or accepting an increased tariff for any reason whatsoever.

A point that was made by the hon. Member for Kiambu as to why this form of guarantee on the southern ports and Railways was accepted, that is to say a guarantee in the form of traffic density, was when he pointed out, of course, that we were sure of inward traffic, capital equipment and so forth, but what could be said about outward traffic? Well, sir, I can only say this: that on the advice of the best possible experts available to His Majesty's Government the area in question was calculated to produce ground-nuts, short of any natural disaster which no man can foresee; in fact, the traffic that was reckoned to eventuate from that crop of ground-nuts which would pass ultimately to the port, was no less than 365,000 tons per annum.

Calculation showed that even if the figure were only 150,000 tons the amount of traffic on that Railway would be more, as you might say, than economic; it would certainly cover any operational losses. If you have that expert advice, and the figure of 365,000 tons, when a figure of 150,000 tons would amply do, I think therefore there was every reason for accepting the guarantee in that form. I may say that the Transport Advisory Council, which has on it a number of very hard-headed business men, accepted it, and I do not think in those circumstances that the Commissioner of Transport can in any way be criticized for accepting it too.

We have said on this side that the anxiety of members opposite to discharge their responsibility to the electorate is very well understood. I think we can also say they have discharged that responsibility very well indeed, and I should say

the electorate must be congratulating itself on the vigilance of its members.

Finally I can say this, that in my view, and this is the view of people better qualified than I am, not one brass farthing of this liability will ever fall upon the revenues of Kenya. The possibility is so remote as not to be practical politics.

The consequences of failing to pass this Bill, of course, are obvious. They are very far reaching. The credit of East Africa is involved, and so on, but inasmuch as we have assurances from the other side of the Council I will not proceed further, but will commend the Bill for its second reading to this Council.

The question was put and carried.

MR. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. HOBSON seconded.

The question was put and carried.

Council in Committee.

Clause 7.

MR. O'CONNOR moved: That the clause be amended by deleting the words "the Secretary of State" and substituting therefor "His Majesty's Government in the United Kingdom".

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

MR. O'CONNOR moved: That the Bill be reported back to Council with amendment.

Council resumed, the Bill was reported, and the report adopted.

### THIRD READING

MR. O'CONNOR 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.

### COMMITTEE OF SUPPLY

#### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

### Head 39—Registrar of Co-operative Societies

It had been proposed: Head 39, Registrar of Co-operative Societies, be approved.

MR. HAVELOCK: Mr. Chairman, I had spoken on this head before we adjourned yesterday. Since the adjournment I have had the opportunity of looking into the matter rather more thoroughly than before. I believe that the fear I expressed the last time I spoke was against another department being created, a separate department, and that it may, as others have in the past, grow out of proportion to the use it may be or the money we can afford to pay. I still believe that this particular department could be conjoined together with others rather than stand as a separate department.

In saying that I would stress that I believe that co-operative societies are very valuable, especially in the marketing of agricultural produce, which is at the moment, I understand, the main activity of this department. But I consider that if the other officers in the field handling the work could advise co-operative societies that this particular department could well be reduced. I would have thought that the marketing officers and district welfare officers would have been very suitable persons to give advice to the co-operative societies in the African areas where, of course, is the greatest need for them.

I would remind Council that the strength of the district welfare officers is the same after we debated that particular head as before; there has been no reduction, and it is therefore possible that Government would not object to the suggestion that, instead of reducing the number of district welfare officers, we might increase their work. I believe that if that line was taken at least the Assistant Registrar's post might be deleted. I understand that he is stationed in the Nyanza area to look after co-operative societies in that particular part of the Colony, and I move therefore that item 2 be deleted.

MR. THORNEY: Mr. Chairman, I rise to oppose the motion before the Committee because I believe that the work of this department is a very important factor in the healthy development of the African areas, particularly in regard to

agricultural production, and if it is not adequately carried out it is my firm contention, and I have the full support of the hon. Member for Agriculture in making this contention, that agricultural production in African areas will suffer. I do not believe that would be the wish of any single hon. member of this Council. My own concern, as I made clear when we were discussing this head before Christmas, is whether the staff for which provision is made in these estimates is really adequate to the needs of the Registrar.

For the past three years, since the department has been functioning, the success which has attended its work has meant that an increasing number of societies has been registered. It is, in my view, absolutely vital that there shall be an adequate staff to supervise the work of every one of those new societies if it is to be kept on the right rails and is not to go astray with the damaging results which would inevitably follow to the principle of co-operation generally. The Registrar has found that although he gets admirable assistance from his African staff, their services are needed out in the farm lands actually supervising the work of the societies away from headquarters. There is, however, also work to be done at headquarters, particularly in the Nyanza Province, and this assistant registrar is badly needed to administer the affairs of the department in Nyanza where the work is probably greater than in any other part of the country.

My own feeling, and I have discussed this with the hon. Chief Native Commissioner, is that in all probability we really should have a second assistant registrar. I must not conceal from Council that that really is my only concern in presenting these estimates and, after all, the Registrar is responsible to us to run his department properly and it is up to us to see that he is not let down by not having the staff he requires—we have agreed that if it can possibly be arranged the Chief Native Commissioner will try and help out with a secondment from the general staff, and I approve of that.

I do believe that this post is absolutely essential. I doubt whether one is sufficient but, pressed as we are by hon. members opposite to keep our expendi-

[Mr. Thornley] ture down, I have consented to introduce these estimates as they stand without asking the hon. Financial Secretary to approach the Governor for authority to increase them. I was a little surprised to hear the hon. Member for Kiambu, who, with other hon. members opposite, pressed us so very strongly when considering the vote for district welfare officers to make absolutely certain that this vital welfare work was done—we were not only pressed to see that this was done and that the staff was not diverted to other purposes, but it was stressed on us that we ought to have a more highly qualified man to do it—now comes and suggests that one or more district welfare officers should be charged with the responsibility for looking after co-operative societies and examining their accounts and doing all the other work which the inspectorate and other officers of the department have to perform. I must oppose the motion and ask for the support of the Committee in negating it.

Mr. COOKE: Mr. Chairman, in supporting the suggestion of the hon. Member for Kiambu that welfare officers should be directed to have an interest in this work I do so because I think it is true welfare co-operation. I do not think the welfare officers have sufficient work to do at the moment, and I strongly support that suggestion, but I do not agree that this item of assistant registrar should be dispensed with, because I know from Mr. Campbell and Mr. Bassett's report that this work is highly technical. We must envisage that the Registrar will have to go on leave at certain periods and it is necessary that a technical officer should take his place. Therefore I am in favour of this nucleus, but would oppose and enter a caveat as far as I am concerned against any increase in any subsequent year in this headquarters staff, because I believe the administration and welfare officers could themselves co-operate with the Registrar in pushing home the lessons of co-operation. What is really required is a technical officer and assistant at headquarters touring around the country and seeing that the proper lessons of co-operation are carried out. Welfare and administrative officers should be included in that programme, and I support the assistant registrar.

Mr. MATHU: Mr. Chairman, I arise to oppose the motion moved by the hon. Member for Kiambu for the same reasons advanced by the hon. Member for the Coast; I do not want to repeat them. I would like also to suggest that if a reduction on this estimate is at all necessary I would like whoever replies to tell us whether it is not possible to make some reduction in item 12, travelling expenses.

THE CHAIRMAN: When a motion is to reduce a particular item the debate must be strictly limited to that item.

Mr. MATHU: Yes. I was only going to say that I support item 2 as it stands and oppose the deletion proposed by the hon. Member for Kiambu.

Mr. THORNLEY: Mr. Chairman, I should like to make myself clear. I do not want it to be imagined that I intended that district welfare officers should not take an interest in the development of co-operative societies. I did not mean that. It is extremely important that not only welfare officers but agricultural, veterinary and all officers should do their stuff and take an interest in them. I meant that I did not want to side-track a district welfare officer to do the technical work referred to by the hon. Member for the Coast, for there is a good deal of it, particularly on the accounting side.

Mr. DAVIES: Mr. Chairman, adding to what the hon. Deputy Chief Secretary has just said, I would like to give an assurance that district welfare officers and marketing officers and district commissioners do already take part in this work. The Registrar of Co-operative Societies has allocated one of these men in most districts to be his representative, but as has already been said this is quite technical work and work which does require a good deal of knowledge. In Ceylon inspectors take six months to learn their jobs, and we do require in addition to these district welfare officers assistant registrars in the provinces where the co-operative system has grown, and in Nyanza to-day there are already over 100 of them. I do not advocate adding to the staff, but we may well need assistant registrars in other provinces as in Nyanza.

Mr. MACONOCHE-WELWOOD: Mr. Chairman, I rise to support the suggestion of the hon. Member for Kiambu

[Mr. Maconochie-Welwood] that this work could be done by district welfare officers. It seems to me that considerable expense could be saved by people getting text books and reading up the subject. It is not a subject one has got to learn for several years at a university, and the knowledge could easily be acquired by reading it up.

Mr. HAVELOCK: On this particular aspect of technical knowledge, I would like to point out to the Committee that the department has an examiner of accounts and the necessary clerical staff to do that particular side of it, and I do not consider an assistant registrar is necessary if Government would only accept the suggestion that district welfare officers should take over the work. I see that I have not very much support for my motion, but I should like to ask whether Government, following on from the report of the Registrar of Co-operative Societies, page 14, will see that charges for supervision, etc., of co-operative societies will be imposed.

THE CHAIRMAN: You will be extending the debate beyond the scope of your original motion.

Mr. HAVELOCK: Thank you, if I could have that assurance—

THE CHAIRMAN: You can raise that on another item, or could have earlier in your main speech.

Mr. HAVELOCK: I was going to withdraw my motion if I got such an assurance.

THE CHAIRMAN: You moved, and must stand by it. We must keep the debate to the item. I will put the question.

The question that the item be deleted was put and negatived.

Mr. MATHU: Mr. Chairman, may I ask a question connected with item 12? It seems a very peculiar increase here, in travelling expenses, and I wonder whether it is possible for the Registrar to reduce that item by anything he likes without bringing about inefficiency. I do not want to move a definite motion, but is it necessary to spend all that money?

Mr. THORNLEY: This item is included on the advice of the Registrar and is calculated on past experience of what his needs are. But I can certainly assure the hon. member that in the unlikely event

of his being able to come out at the end of the year with less expense than the amount for which provision is made we shall be delighted, and I am sure he can be relied on to make any savings possible.

Mr. HAVELOCK: May I ask Government for an assurance that they will see that all societies whose books are audited and assistance given them will at the earliest possible moment pay for the expense incurred by this department in doing that work? I quite realize that some societies, the small ones, will have to be subsidized for a year or two until they get on their feet and are sufficiently self-supporting and can pay these fees. Another point is that if any society has been running for two or three years and by that time there is not sufficient income coming into that society after an examination of its accounts, I submit that that society is wasting time and should be wound up. I would ask Government for those two assurances.

Mr. THORNLEY: I can certainly give the first assurance asked for by the hon. member. As to the second, I can assure him that we have no desire and shall not go on bolstering up in subsequent years societies which know they have failed in the object they set out to achieve.

The question that Head 39 be approved was put and carried.

Mr. THORNLEY moved: That Head 39A be approved.

The question was put and carried.

#### Head 40—Transport Licensing Board

Mr. THORNLEY moved: That Head 40, Transport Licensing Board, be approved.

Mr. MACONOCHE-WELWOOD: Mr. Chairman, rather sadly I rise again for the third time in this Committee to request that C licences under this vote be abolished. The reasons I urge are the same as those I have urged before, that the law in this respect is more honoured in the breach than in the observance, and it is a farcical situation that a man who wishes to bring goods back in his own car to his own farm for the purposes of his own business should have to take one out.

THE CHAIRMAN: I would point out to the hon. member that he is out of order. Administrative action by a department

[The Chairman] upon the necessity for legislation and matters involving legislation cannot be discussed in Committee of Supply.

MR. MACONOCHE-WELWOOD: Is it permissible for me to raise this matter under ways and means? (Laughter.)

THE CHAIRMAN: I will put the question.

The question was put and carried.

#### RETIREMENT OF SIR CHARLES E. MORTIMER

##### APPOINTMENT OF HON. E. A. VASEY.

MR. RANKINE: Mr. Chairman, with your permission before we come to the departments under the general control of the hon. Member for Health and Local Government I would like to say a few words and to take the opportunity on behalf of Government—and here I believe I can speak for the whole Council—of congratulating the Member, the hon. Sir Charles Mortimer, on the honour which His Majesty has been gracious enough to confer upon him in the New Year Honours. (Applause.)

Sir Charles has had a long and distinguished career and during that time has rendered notable service both to Government and to the community in general. As I have said, he has had a long and distinguished career in the service. I remember soon after my own arrival in the Colony that in the course of an address to the Civil Servants Association His Excellency the Governor cited Sir Charles as an example to all civil servants, and I think that civil servants could not do better than to follow his example. (Applause.) Beginning his service in a humble capacity he has by his ability, by his devotion to duty and his sense of service worked his way right up to a very responsible position in the Government. Not only that, Sir Charles by his integrity, his uprightness in every way of life, has set an example to everyone and has earned the respect of the whole community.

I am authorized by the Governor to say to-day that Sir Charles will be retiring from the Government service very shortly, and I am certain that we all would like to take this opportunity of wishing him and Lady Mortimer many happy years in their retirement. We are glad that their home is in Kenya and we know that we shall be able to call upon

Sir Charles whenever he is needed to give us the benefit of his advice and his assistance.

I am also authorized to say that His Excellency has invited the hon. member Mr. Vasey to take his place when he does retire and to take over the membership portfolio of Health and Local Government. (Applause.) I would like to take this opportunity on behalf of Government of extending to the hon. member Mr. Vasey a very warm welcome when he crosses the floor of the House and takes his place on these benches. We on this side have always admired his ability and at times we have suffered from his pungent criticism and his eloquence. When he joins us I myself, as leader of the Government, will feel rather like the captain of an English cricket team who suddenly wakes up and finds himself able to send in Bradman first wicket down. (Laughter.)

Finally, I have been asked by the Secretary of State to say—the Secretary of State has, of course, approved these arrangements—that in making the announcement I should express to Sir Charles Mortimer his warm appreciation of the able and public-spirited service which Sir Charles has so long rendered to Kenya and notably in his present office of Member for Health and Local Government. (Applause.) He has also asked that I might express to the hon. Member Mr. Vasey his sincere good wishes for a successful period of office. (Applause.)

MAJOR KEYSER: Mr. Chairman, it was with real pleasure that we on this side of the Council heard of the signal and well-deserved honour conferred by His Majesty the King on the hon. Member for Health and Local Government. (Applause.) Sir Charles Mortimer, if I may say so, might be considered a product of Kenya, and therefore we on this side feel that the honour that has been conferred on him is also shared by us. I would go further and suggest that it is an incentive to all young people of Kenya to rise step by step to a high position that any man can be proud of. I would like to join with my hon. friend in wishing Sir Charles and Lady Mortimer a long life and a happy life. (Applause.)

I should also like to congratulate the hon. Member for Nairobi North in being

[Major-Keyser] selected to succeed Sir Charles Mortimer as Member for Health and Local Government. He is by his great ability and his great experience in local government eminently suited to that post, and the Colony is extremely fortunate in having a man of that capacity to fill the post. (Applause.) We, sir, on this side of Council offer our best wishes to Mr. Vasey when the time comes for him to leave us and strengthen the opposite side.

MR. BATEL: Mr. Chairman, on behalf of my colleagues, the Indian elected members, I take this opportunity of heartily associating myself with the remarks made by the hon. Chief Secretary and of heartily congratulating Sir Charles on the signal honour His Majesty the King has done him on New Year's Day.

The career of Sir Charles is a great and living example to the young generation of this country to show what hard work and devotion to duty can do for raising any person in the scale of life. I wish on behalf of the Indian members to Sir Charles and Lady Mortimer a very good time and a happy life during their retirement and I am quite certain that his stay in this country will always be an inspiration to all the young people in this country for trying to achieve a better and more prosperous career in this country.

I also, sir, on behalf of the Indian members, would congratulate the hon. Member for Nairobi North on being offered the post which he will occupy in succession to Sir Charles. I would like to say, Mr. Chairman, that though the Indian members have always looked with a certain amount of suspicion upon unofficials crossing the floor and taking over a post—as I had the honour to express on behalf of Indian members when Major Cavendish-Bentinck was appointed as Member for Agriculture and Natural Resources—from experience it has been found that once an unofficial member crosses the floor there is no need to entertain that suspicion because they are immediately within the fold of the Government benches and therefore they are not likely to be influenced as we had anticipated then by the unofficial side. At the same time I would like to say that there is no other person among the unofficial community in this country more fitted to take up the post of the Member for

Health and Local Government than the hon. Member for Nairobi North. (Applause.) His knowledge and experience about the various aspects of local government will be very valuable, and I am quite certain that all the communities in this country will receive a fair deal from the hon. Member for Nairobi North.

I wish heartily to congratulate him on the honour which he will have of occupying the post of the Member for Health and Local Government. (Applause.)

MR. MATHU: Mr. Chairman, on behalf of my colleagues, the African members, I should like to associate myself with the previous speakers in congratulating Sir Charles on the signal honour which His Majesty the King has done him in the New Year Honours. I know very few persons in this country who have the confidence and the trust of the whole community better than Sir Charles. (Applause.) I have personally known him for many years and I know the feeling of my own people towards him, and putting it very briefly, sir, it is this: They look upon him as a father of the Government because they find in him all the qualities that go to make up a father in a community, and it is gratifying to all of us to see him receiving the honour that he has received from His Majesty the King. (Applause.) One further gratifying thing to which the hon. the Chief Secretary referred is that Sir Charles and Lady Mortimer are going to make their home in Kenya and that they will be able, I am sure, to assist and help all those folk who approach them in matters that they are interested in. I think, although I join with all previous speakers in wishing Sir Charles and Lady Mortimer a very happy and prosperous life after their retirement, I do that more so because they are not going from us—they are still with us in this Colony. (Applause.)

I should like also to congratulate my hon. friend the Member for Nairobi North on his appointment to take the place of Sir Charles in directing the departments which are at the moment under his charge. I should like to say that I agree with the previous speakers that my hon. friend Mr. Vasey is definitely very suited to take this appointment, but I do not envy him, because it is not a position that is going to be

[Mr. Mathu] easy to fill. That is a position which has been held by a person that I have already described—a person who has received the confidence of the whole community; it is not going to be easy. I do not in that way suggest the hon. member Mr. Vasey is not going to live up to the same standard of Sir Charles, but I am only giving the warning that it is not going to be easy. I congratulate him very much indeed. (Applause.)

THE CHAIRMAN: I should like to put on record one or two words.

One thing that has not been said about Sir Charles relates to his position in this Council. In this Council throughout many years now he has been a delight to listen to. He has always put his arguments cogently, forcefully and yet moderately, and has always treated his opponents, even when he may have punctured a few balloons or blown a few arguments sky-high, with courtesy and kindness so that afterwards they have never felt the sting. He has, in fact, for years been our silver-tongued orator, and I would like it to remain on record that our loss as a Council is indeed great. (Applause.)

SIR CHARLES MORTIMER: Mr. Chairman and dear friends, if I may say so, this unexpected and somewhat embarrassing interlude does perhaps call for a few words from me. I must start by saying that I have been deeply moved by the very kindly references to myself and to my wife. The honour which His Majesty has bestowed upon us was, so far as I am concerned, completely unexpected and it came as a somewhat embarrassing surprise. All I can say is I trust that we may be able to live up to it. My wife and I have received from all parts of the world an avalanche of congratulations and good wishes numbering at present between three and four hundred, and still they come, and among those which have given us the greatest pleasures have been the letters and telegrams from my friends in this Council. We have been deeply touched by the evidence of affection and regard which has come to us in so forceful a manner, and on behalf of my wife and myself I thank you most heartily.

I regard this honour not entirely as a personal thing but as a recognition by

the Secretary of State and His Majesty the King of the Civil Service of this Colony, for during the 33 years I have served the Government here I have felt myself to be a representative civil servant, and the honour that has been bestowed I feel is an honour to a typical and representative civil servant and an acknowledgment of the high standard, integrity and efficiency of the Civil Service of this Colony.

I would also like to take this opportunity to pay—and of doing it publicly—a very warm tribute to my dear wife. Behind such success and achievement as has fallen to me there has been the background of a happy home and family life. That has been of the greatest possible assistance, and without it I could not have reached the point where I stand to-day.

I thank you too, sir, for your kindly tribute to such work as I have been able to do in this Council. With the exception of the hon. Member for Agriculture, I am the oldest continuous member of this Council. I have always enjoyed its sessions and its give and take in the course of debate, and I shall look back with many happy memories upon the debates that have taken place here on major matters of public policy in which I have been able to take part. In our retirement we shall not cease to take an interest in all the things that have absorbed our attention during the past years, but we shall be a little more free to do the things we want to do instead of being devoted far too much to the things we have to do.

One word more, sir. In handing over the seals of office I would add what has already been said. There is no one either in this country or in any other in whom I personally would have more confidence than in my hon. friend the Member for Nairobi North—(applause)—and with the fullest assurance that the work that I have endeavoured to do will be continued and certainly improved upon I have full confidence in the take over by my hon. friend, and I wish for him great happiness in his work and the greatest possible success in the difficult tasks that will certainly lie before him.

Once again, sir, I wish to express my thanks and warm appreciation, not only to the hon. members who have spoken

[Sir Charles Mortimer] and to those who have written to me and sent telegrams, but also to all the friends in this Council who have shown such evidence of their regard. Thank you, sir. (Applause.)

MR. VASEY: Mr. Chairman, perhaps I may say "Thank you" to those members of the Council who have congratulated me on the honour which has been done me and of which I am fully conscious, and to say that in attempting to follow Sir Charles in his office I can only say I shall do my best. (Applause.) There are two things I would like to do. One, I would like to seize this opportunity of saying "Thank you" to my friend Charles, now Sir Charles, for the continual guidance and assistance he has given me during my time in this Colony and to say, sir, just as in 1938 I followed his father in the seat that his father had occupied for many years on the Nairobi Municipal Council, I trust the fact that I am following Sir Charles is as happy an omen as was the assumption of his father's seat in 1938. I thank you, Sir Charles.

MR. RANKINE moved: That the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. on Wednesday, 11th January, 1950.

#### Wednesday, 11th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 11th January, 1950.

Mr. Speaker took the chair at 9.40 a.m.

Absent: Hon. Attorney General, hon. Members for Eastern Area (Mr. Nathoo), Arab Area and Arab Interests.

The proceedings were opened with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to: V. H. Merttens, Esq., Commissioner for Income Tax, who had been summoned by Instrument issued under Article XIXA of the Royal Instructions.

#### MINUTES

The minutes of the meeting of 10th January, 1950, were confirmed.

#### PAPERS LAID

The following paper was laid on the table:—

By MR. RANKINE:

Fifth Progress Report of the East Africa High Commission Research and Scientific Services for August to December, 1949.

#### ORAL ANSWERS TO QUESTIONS

No. 91—MEAT DELIVERIES IN NAKURU.

MR. BLUNDELL:

Is Government aware that the Meat Marketing Board in Nakuru is unable to take delivery of animals for local meat consumption from farms in the Nakuru district until April, 1950.

If the answer is in the affirmative will Government state what steps are being taken to alleviate this position in order that farmers whose grazing is affected by the drought may market their slaughter stock as soon as possible, and under the most favourable conditions to themselves.

MAJOR CAVENDISH-BENTINCK: Government is aware that the Meat Marketing Board's office in Nakuru is unable to book slaughter cattle for local slaughter and consumption until March, 1950, owing to a temporary surplus which appears to be due to seasonal conditions.



[Major Cavendish-Bentinck]

The Board has however notified farmers through the *Kenya Information Office Fortnightly*, and the Board's local offices, that if farmers who have slaughter stock to sell will notify the Board's head office in Nairobi, submitting numbers of cattle for sale and dates on which they wish to dispose of their stock, arrangements will be made for such stock to be railled to Nairobi and sold on the cold-dressed-weight basis as soon as possible.

Cattle sent into Nairobi can be sold on the cold-dressed-weight basis in which case the stockowner will receive Sh. 55, Sh. 49 or Sh. 43 per hundred pounds cold-dressed-weight according to grade. Railage will be paid by the Board, but the stockowner will stand the risk of condemnations.

If stockowners prefer to sell cattle on the hoof liveweight these may also be sent to Nairobi after prior notification and confirmation from the Board's head office giving the date of dispatch. In this case the stockowner will receive Sh. 19, Sh. 15 or Sh. 11 per hundred pounds liveweight according to grade. The Board in this case paying railage and bearing the risks of condemnations.

The second part of the hon. member's question does not therefore arise.

MR. BLUNDELL: Mr. Speaker, arising out of that answer, can the hon. member give me an assurance that in his opinion these arrangements will proceed smoothly until such time as the rains break?

MAJOR CAVENDISH-BENTINCK: We have every reason to believe they will; they are working smoothly at the moment.

#### COMMITTEE OF SUPPLY ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the draft estimates of expenditure for 1950.

#### Head 34—Lands Department

SIR CHARLES MORTIMER: Mr. Chairman, I beg to move: That Head 34 be approved.

It will be noticed by hon. members that there is a considerable increase in the vote as set forward in the estimates. It was recognized when the

estimates were passed last year that such an increase would be inevitable, but the precise form that the increase should take was quite properly left over until the Special Commissioner of Lands, who had just been appointed, had been able to take up his task and find out what was really needed in the department. This he has done, and the results of his investigations were placed during the year at a fairly early stage before the Standing Finance Committee, and the estimates as now submitted represent the scheme as approved by the Standing Finance Committee.

I would like here to pay a tribute to the Special Commissioner of Lands for his quick grasp of the situation, and for his energetic action in pulling the department out of a somewhat chaotic condition into the state which it has now reached. I think that the Colony is fortunate in having available to it at a time of particular need an officer of the calibre of the Special Commissioner of Lands with his qualifications and background, and I personally, during the year in which I have temporarily occupied the post of Member for Lands, have been gratified to see how ably he has handled the difficult task imposed upon him. (Applause.) The staff of the department is almost entirely new, inexperienced in Kenya laws and customs, and consequently it is only right that the public should recognize that fact and exercise a little patience until the machine gets properly working.

There has in that department been a very great increase in the work and responsibilities during the past few years. To take, for example, incoming and outgoing correspondence as a criterion—it is not always a sound criterion, but it is at any rate one measure of the volume of work. In 1948 the number of incoming and outgoing letters was 53,500 and that included both Lands and Surveys. In 1949 in the Lands Department alone it was 61,700, showing a very marked increase even in that one year. To take a few other figures to show the enormous increase in the responsibilities of the department since the beginning of the war: here again the criterion is not entirely a sound one but does serve as a measure to show how the department's work has increased. In the Land Registry in 1939 the stamp duty collected was

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£37,624, in 1949, it was £280,232; registration fees, £2,471 in 1939, £6,388 in 1949; conveyancing fees, £897 in 1939, £2,584 in 1949; land rents, £58,600 in 1939, £76,800 in 1949; sale of township plots, £2,000 in 1939, £51,697 in 1949; stand premia on farms, just about the same for each period, round about £17,000. That is just an indication of the enormous increase in the work of that department.

The demand for land and the pressure upon the department is increasing week by week and it is still extremely difficult for even the increased staff to cope with the increasing demands. The posts provided in the estimates have not been completely filled. There are still two key posts of land officers to be filled. The Special Commissioner, I think quite rightly, is holding out until he can get exactly the right type of person to fill those posts, and he is not content with anything less than the best that can be obtained. We are in negotiation with the Colonial Office for the engagement of two officers of the right type, and we hope we shall succeed in getting them before long.

The department is very often blamed by the public for delays and inconveniences over which it has no control whatever, but as the correspondence is with the department it has to take the blame. Complete efficiency in the department has not yet been obtained, and the Special Commissioner I am sure would be the first to admit that, but he is striving after the attainment of that complete efficiency which the public and this Council have a right to demand and expect, but I would ask that patience be exercised for a little longer until these key posts have been filled and the department organization is working to full efficiency. The Commissioner and his staff do recognize the importance of getting on to the land as quickly as possible the people whose claims have been adjudged satisfactory and who are ready and willing to develop the land, but it is not always a simple and straightforward process.

There is no department, I think I am right in saying, no department in the country which is so burdened by boards and committees as the Lands Department. Take, for example, a simple subdivision on the outskirts of Nairobi

Municipality. At the present time a proposal for such a subdivision has to pass through no fewer than six boards and councils before it reaches its final stage, and that I am sure must be exasperating to the public who have to suffer from it. I do suggest the time is ripe for a review of some of these controlling boards and committees—(hear, hear)—and as a start may I suggest that hon. members give serious thought to the question of land control. The land control system was set up on the wish of the general public and of hon. members of this Council. It has served a very useful purpose indeed. The question now arises, and it is quite prominent in my mind, whether the purpose for which that organization was established has now passed, and whether the period of usefulness of that land control system has not now ceased. I would ask hon. members to give earnest consideration to that. Government has given an undertaking that when the public of this Colony, through their elected members, express the desire that that system of control shall either be abrogated or modified, the Government will acquiesce and take the necessary legislative measures.

Just a few words on policy. It has become apparent during recent years that the system of auction of township plots, particularly for residential purposes, is now a hindrance rather than a help to the proper development of the Colony. Fantastic prices were being bid at auction sales which set a completely fictitious value upon land for residential purposes, and very often the land got into the hands of the wrong people who were only desiring to use the land for speculative purposes, and people who really needed the land for residence were squeezed out because they could not afford to pay the fancy prices to which the auction carried them. So we have adopted a system of allotment of residential plots in townships, seeking the advice of local committees, who know local circumstances and local people, as to the people to whom the plots should be allotted, and I hope that that system will work effectively, will tend to keep down fictitious values and so help to reduce the cost of living for everyone in the Colony.

The department is setting up a valuation section which will be of material

(Sir Charles Mortimer) benefit to Government and to the country at large as time goes on. It will help in having stabilized values not only for township plots but also agricultural lands. Also it will be of very material assistance in the introduction of a system of rating in the townships of the Colony as distinct from municipalities. This we are trying to do, and we are starting early this year with Thika; Nanyuki and Nyeri will follow suit, and other townships in their turn when valuations can be provided. In those townships we are setting up township accounts whereby the township may function as an embryo municipality and have its own resources, engage its own staffs and carry out its own works largely at the expense of the people who benefit from township amenities.

There is nothing more I wish to say in this introduction, except to add that I have every confidence that the Lands Department will achieve and maintain a reputation in the Colony for courtesy, helpfulness and expeditious handling of public business if it is given a chance, and the Special Commissioner I know has that as his aim and object and will, I am sure, be able to carry it out in a comparatively short time when his staff requirements are met.

MR. BLUNDELL: Mr. Chairman, the hon. Member for Health and Local Government has given such a glowing picture of this department that I feel a little diffident about speaking at all on the matter. Last year hon. members, as he said, will recollect that we were very dissatisfied with the workings of this department and under the Special Commissioner we hoped that we should have a very considerable improvement. Well, although I listened to the hon. member opposite's remarks with great attention I think it only fair to say that there is still very considerable dissatisfaction in the public and throughout the country with the workings of this department. (Hear, hear.) I believe recently certain reorganizations have taken place within the department and especially in regard to the filing system, and possibly the registry, and it may well be that in this reorganization the new system has not got into its stride. I was not going actually to hurl thunderbolts at the Special Commissioner, because I agree with the

hon. member opposite, that he has had a very difficult job.

The reorganization with the staff we have given him, etc., has been going nearly a year, and we do hope that by this time next year at any rate this department will be proceeding more smoothly than it is now. I am aware that he has not got a great deal of this staff and that is one of the reasons why, at any rate, for me, I am being quite mild this morning! I said last year, and the hon. member opposite touched on it, we were given a list in Council of suggestions from my hon. friend the Deputy Chief Secretary, that when the Special Commissioner got into his stride he might make some recommendations in regard to the setting up of the very boards which the hon. member opposite mentioned. Now, we have not had these recommendations, and I do not want to suggest the Special Commissioner should get down to putting forward recommendations as to how we could expedite the passing of land questions from board to board.

I only want to speak at the moment on the actual policy of the department, and will not keep Council longer than to say this. As far as I am concerned I must make it quite clear, and I shall press for it, that there must be an improvement in this department when the estimates come up for this Council next year; because, as far as I can see at the moment, although the machine may be nearly finished it has not yet proceeded to move, and what the public of this Colony want in the Lands Department is a smoothly moving machine.

MAJOR KEYSER: Mr. Chairman, the hon. Member for Health and Local Government referred to the question of land control and made the suggestion that hon. members on this side of Council should consider the necessity of continuing the Land Control Ordinance. I should just like to say that a considerable amount of attention has been given to the matter recently by members on this side, and had it not been for the very heavy work that they have had to carry out in the last month or two some decision would have been arrived at for the future; but the matter is under very active consideration.

MR. HOPKINS: Mr. Chairman, I would like to make one or two observations on

(Mr. Hopkins) closer settlement as affected by the Lands Department policy.

District councils and various other responsible bodies in the Colony have for some time now been trying to build up a sound policy in regard to closer settlement, and in the area from which I come two of the principles embodied in this policy are, firstly, that closer settlement is desirable in suitable places, and, secondly that every effort should be made to prevent the cutting up of good agricultural land in the true farming areas, especially when remote from townships, into uneconomic residential plots and so-called residential farms.

One of the main difficulties in the way of carrying out this policy is that land outside townships, even when adjacent to it, may not be divided without a great deal of trouble into areas of under 20 acres. As in Limuru, Karen, Kiambu and other places near to Nairobi, also near to the other townships such as Nyeri, Thomsons Falls, Nanyuki, the price of land is becoming extremely high. While a great number of potential settlers would like to live near to the great towns or the townships where they can get their golf, their tennis, their shops and their clubs, they just cannot afford to buy 20 acres of this very highly priced land. As an alternative they go further afield into the farming area and they buy a so-called residential farm, from 50 to 500 acres, it generally is in my area. For this they pay a great deal more than the agricultural value of the farm, but very much less than they would have to pay for the highly-priced land near town.

The reason why I say so-called residential farms is that in the low and medium rainfall areas, which obtain not only in my area but in many other parts of the Colony, it has been found that a farm of fairly substantial area is very difficult to make pay. The area varies of course. The area that a farm has to be to be an economic proposition varies with various conditions, but, broadly speaking, in my part of the world you could say it is not generally under a thousand acres. Now sooner or later the owner of a residential farm begins to realize that he cannot make revenue balance expenditure on his farm. He then concentrates on his garden and house, and the rest of the farm goes out of production. In this

way in the aggregate a very, very large area of land has been lost to production, and the process still continues. Responsible people are fast beginning to realize this, and the general tendency of policy is rather to join up uneconomic units to make them into economic farms rather than the reverse which was our previous policy, and it would be of the greatest assistance to those who are trying to correct the mistakes of the past and to prevent their repetition in future if the Lands Department were to take the initiative, perhaps through the Land Board which operates under their aegis, and invite district councils to submit proposals as to areas in which they think closer settlement can safely be encouraged.

I know that this to some extent has been done round Nairobi, but in the other areas of the Colony we still have no policy in that respect, and I would propose that when district councils have submitted their proposals Government should then give advice on town planning, suburban planning, or garden city planning as the case may be, and that these areas when approved should then be released from the 20-acre rule. I know that if you go through the various processes you can now get a plot approved of under 20 acres, but I think that we want more planning and we want to have these plots ready, and I do most earnestly ask that these proposals be given serious consideration, as I know that the lack of suitable small plots like this is losing us very many desirable settlers, and, in addition, it is resulting in the fragmentation of our real farming land.

MR. USHER: Sir, I beg to support the motion, and to make one constructive suggestion to which I hope consideration will be given. It has been mentioned both by the hon. mover and by the hon. Member for Rift Valley that part of the delay which is so irksome to the public is due to the difficulties of registration. We are speaking not of land registration itself—statutory registration—but the registration filing system of the Land Office. I believe it to be one of greater complexity than perhaps in any other department, and it seems to me therefore possible that, if outside expert advice were given, a great deal of time and personnel might be saved. I would there-

[Mr. Usher] fore ask if the Government would consider the engagement of an industrial consultant to look into this aspect of the Land Office work.

MR. MATHU: Mr. Chairman, I should like to support the motion, and more particularly this new policy that the hon. member mentioned in regard to the disposal of township plots for residential purposes. I agree with him entirely that the present system, or rather the system which existed before we introduced this one of allotment, that of public auctioning, really was not a very good one. I think the suggestion he has put forward would produce more than the present system. What I should like to suggest to the hon. member is that the evil of speculation is to be found more in the public auctioning of township plots for trading purposes than for residential purposes, and I should like to ask the hon. member whether he would consider extending the principle of direct allocation or allotment in regard to trading plots. This, I think, is a more serious matter than that of the residential plots. I should like him to consider that and perhaps give me an answer when replying.

MR. HAVELÖCK: Mr. Chairman, I just want to support the remarks made by the hon. Member for Rift Valley, that the situation is not satisfactory yet, although there are signs that it may be improving. May I suggest to the hon. Member for Health and Local Government that the reason why the correspondence has increased so greatly between 1948 and 1949 is perhaps because people have been writing in to ask what has happened to their transactions? But there is one other point. When we were discussing a previous Bill in this Council I did say that I thought that we should encourage industry in every possible way, and I would ask the hon. Member for Health and Local Government whether he considers that the prices which are charged by the Land Department for industrial plots, especially industrial plots, on Crown land, are sufficiently low to encourage industry. I myself feel that they should be made as low as possible, so that industry may be encouraged to come here as soon as possible. I beg to support.

DR. RANA: Mr. Chairman, I rise to support the motion moved by the hon. Member for Health and Local Government.

I should like just to say a few words regarding Mombasa and to ask the new Commissioner for Lands to keep the Coast and Mombasa also in view, which is a thing I have said before. Mombasa and the Coast are never considered very much as far as any improvement is concerned, but I am not going to say very much about our grievances, as the hon. mover is certainly expecting good results this year. I will leave it at that and see how things go next year.

There is one suggestion which I made last to His Excellency the Governor when he very kindly interviewed all the Coast members, and that was that there is no land board at the Coast, and with the exception of a few native units and reserves, the rest of the land is lying idle in most cases. I am not going to touch on the survey. It is a very difficult problem, and I think it will take some time before all the survey of the Coast is completed, but I submit for the very serious consideration of the Government that a board consisting of the elected members of the Coast be appointed, so that anybody of any race who applies for the allocation of land at the Coast may consult that board. It will help in the allocation of land to a great extent and will make it easier and the people will have more satisfaction. I have heard that whenever people apply they never know when the reply will come or from which source they will get the reply. I submit that if a board is appointed, anybody who wants to apply for the allocation of land, Crown land in particular, they can advise the Land Commissioner or the Government, and I think it would be very satisfactory.

Besides that, I would request the hon. member to draw the attention of the Commissioner to the fact that a large portion of the land in the Mombasa Municipality has been sterilized for four years due to certain neglect. No one can get subdivisions on the mainland south, and those who want it are told that it will be done when the report of the surveyor is available. The area is developing in and around Mombasa and this is hindering the future development tremendously, and I request that something should be

[Dr. Rana] done so that these people who are unfortunate enough to have invested money in that area should not be hindered on one pretext or the other.

MR. ERSKINE: Mr. Chairman, when a citizen writes to the Commissioner of Lands he cannot, for reasons that have been given this morning, expect to get a very prompt reply. The establishment, we understand, has not yet been properly filled, and there are all these boards. After a while he goes along to the Commissioner, or to the Commissioner's office, and asks how his subject is being dealt with and how it is progressing, and he then finds usually that it has been sent to the Survey Department for the Survey Department to deal with their aspect of his letter. It is very difficult to think of a letter that you could write to the Commissioner of Lands about any land that the citizen owns that does not have a survey implication. I have always been taught that when you write a letter to Government you should write a separate letter for a separate subject, but in this case you cannot do it; you cannot divide your subject into two. They are both one and the same, and yet they are dealt with by two different departments, and that causes a certain amount of puzzlement to the average citizen. Arising out of that, I should like to suggest, and I am surprised that nobody has suggested it already, that once again the Land Department and Survey Department should be amalgamated.

In all other developmental territories, and I am thinking particularly of the days of the last century in the United States of America. In the various states as they were developing when land was being given out the survey or land department was housed in the handsomest and most secure building in the capital town, and it was a hive of industry and a revenue producer, and the most important department in the state. Here in Kenya the exact opposite is the situation. When it rains it is very difficult for the Land Department to carry on. You cannot carry important documents like title deeds, and plans and maps, from one building to another in the pouring rain. So I cannot but feel at this stage that we should at all events plan now some better amenities in regard to buildings for the Land Department.

The other point is the question of staff. I do hope that every step will be taken to fill the establishment, and if the establishment is not sufficient to carry out the duties, I do hope that Government will not feel at all coy about asking for more, because as we have heard this morning there has been a 600 per cent increase in the takings of this department. It is a veritable revenue producer, and I feel quite sure that if to-day, by some miracle, the Land Department were able to conclude every piece of business they have on hand, send out all the subdivisional plans for all the people who want them, and so on and so forth, there would be a most immense return in stamp duties to-day. I do feel that we must regard the Land Department more as a revenue-producing agency, and the cost of running this department should not be assessed merely in money but in a percentage of the amount of money which they collect for the State.

It is easy to say these things, because everybody in the Colony who is dealing with the Land Department wishes, as I wish, that it were possible for their business to be expedited. There is no question about that. If one goes to the Land Department you find that the bottles, as we used to say in the Army, are few on the ground. There may be urgency, there probably is a feeling of urgency in the department, but there are not the people there, as far as I can see at present, to carry out the essential duties that need to be carried out in this developing country.

Those are my three suggestions: that the Lands and Surveys Departments should, for perfectly obvious reasons, be amalgamated once again, and that at the earliest possible opportunity some better accommodation be sought for this important department. The third suggestion is that I urge that the establishment should be completed, and if necessary augmented, as early as possible in the interests of a very large number of citizens of this country.

MR. COOKE: Mr. Chairman, as I listened to the hon. mover I felt how right your description was yesterday when you, sir, described him as a silver-tongued orator—(laughter)—because I think he excelled himself this morning in his speech, and we had a good deal of eloquence. But not enough facts.

[Mr. Cooke]

I think the hon. member said the hon. Special Commissioner was getting into his stride. Well, he may be getting into his stride, but, if I may use a sporting term, he certainly has not beaten the pistol, and I must say I agree with the hon. Member for Rift Valley and the hon. Member for Kiambu that the country is dissatisfied with the progress being made. It would obviously be unfair to put the blame on the Special Commissioner, because he has probably got a very incomplete staff at present, but nevertheless when an army changes a general or when special arrangements are being made, it is a little bit long to wait for over a year until we see concrete results.

I should like to support the suggestion of the hon. member Dr. Rana about the proposal that the Land Control Board should devolve its functions so far as the Coast is concerned to the Coast Development Committee, which is composed of the seven members for the Coast and one or two other prominent residents of the Coast. There has been and there is a great feeling of frustration at the Coast, and no one knows it more than myself because I have had direct dealings with no less a person than his Excellency the Governor, and indeed, as a final resort, we had to go to him to get a move on as far as the transfer of land at the Coast was concerned. In certain instances where there was a proposal to transfer Crown land to applicants, the prices were so fantastic that the applicants had no alternative but to refuse to take them up. The price of land at the Coast, for instance, miles from anywhere, of £30 an acre is, I do submit, beyond all reason, and to put in at the same time certain conditions about building houses perhaps worth £2,000, and the provision of roads of access, really means that you are handing a lemon to the person who is applying.

Therefore we should like to see the Coast Development Committee given the power, and I may say it is composed of all races; so there would not be a predominance of any race or any charge of undue influence. We could advise Government as to the land at disposal for settlement, and we should also take everything into consideration, such as the price of the land. I do not know how

the price is at present arrived at, whether it is arbitrarily fixed by somebody in the Land Office, but if that is so it is entirely wrong; because you cannot expect anybody in the Land Office, or many in the Land Office to know the conditions prevailing.

We are very anxious for the Coast to get a move on so far as settlement is concerned, and as the hon. member Dr. Rana said, we want all races to enjoy that privilege. We know from experience now that cattle for instance, dairy cattle, do very well at the Coast, and we want to promote the dairy industry. We know that pine-apples have been a great success, and in fact the Teita Concessions have moved down two million pine-apples to plant at Kilifi, where there is a very big factory, or two factories, one for pine-apples and one for cashew nuts. As I said before, we would like to see both farmers and horticulturists take advantage of that.

I have no further criticisms to offer, but as general criticism I hope my hon. friend will try to meet us in one or two respects.

MR. BLUNDELL: Mr. Chairman, I must just speak shortly again, because I view with a certain amount of alarm the suggestion of another board being set up, that was the suggestion of the hon. member Dr. Rana, to deal with Coast matters, and also because the hon. Member for the Coast was a little unfair in his remarks about conditions regarding Crown land, etc. I should like to put before Council the principles upon which the present Board which deals with it works.

The amount of Crown land available, even taking the Coast into consideration, is not unlimited to-day, and the Board thinks it most important when an application for Crown land comes before it to take all the steps it can to prevent mere speculation in land; in other words, an application by a man merely to get a chunk of land to hold on to while the community develops the surrounding area for him to cash in on it in ten years. The Board very rightly lays down developmental conditions. We believe, in dealing with Crown land, rather than make a man spend a lot for the land, that he should be enabled to put capital into the land, and the Board therefore sets out what I consider reasonable con-

[Mr. Blundell] conditions designed to ensure capital going into the land itself, and the occupation of the land, which is most successfully achieved by stipulating houses of a reasonable type or set up.

In regard to prices, if we have not direct knowledge on the Board as to the value of the land, take for instance at the Coast where we often do not know the land, I can give Council the assurance that the Board has to my knowledge nearly always written to the Provincial Commissioner or a gentleman at the Coast who goes by the name of Coast Registrar of Titles and asks his advice upon the potentialities of the land and the sales which land in the immediate neighbourhood have progressed. So I should like to debunk before Council the suggestion that the conditions given out are onerous, stupid, or not well thought out. I should also like to use the same word to get rid of the impression that the land is put up at prices completely out of relation to its true worth.

MR. COOKE: May I speak again? I am afraid—

THE CHAIRMAN: As often as you like.

MR. COOKE: I think I have got under the skin of the hon. member. (Mr. BLUNDELL: No!) But everything he said, shows it is necessary to transfer the functions of the Board to the Coast. The hon. member has a way of not seeing a question at times. I am not referring to large chunks of land, I do not want to see anything better such as the land in the hands of a great many Europeans in the Highlands, but merely five or ten acre portions where people want to live and build a house of reasonable dimensions and grow a few pine-apples and fruit, and I am not referring to land which can be exploited. I could not agree with the hon. member more and the hon. member Dr. Rana and other hon. members of the Coast Development Committee when I say we should take a strong line in that matter, but I am referring to small portions of land given out on reasonable conditions and as expeditious as possible to open up the settlement of areas at the Coast.

MR. BLUNDELL: Would the hon. member give an instance of small portions not reasonably given out?

THE CHAIRMAN: I think we are going beyond the scope the motion provides for. (Hear, hear.)

MR. GILLET: Mr. Chairman, the hon. Member for Aberdare referred to the dangers which we may expect from splitting up economic farming units into residential areas. It is absolutely true that a large number of economic farming units have been split up, but I think I am right in saying that in most cases it has been beyond the control of Government to resist it on the ground that the owners in most cases have held freehold titles. In fairness to the Lands Department and the European Settlement Board, I would like it recorded that it has always been our policy to give first priority to economic farming units, and we have always resisted such units being split up into residential plots to the very utmost. I beg to support.

MR. HOPKINS: I realize that, and the Lands Department and district councils are doing all they can. But good farming land is still being split up, and my suggestion was that Government should take the initiative by calling for proposals as to what land can be suitably split up and making it easy for people who want small plots to obtain them in those particular areas.

SIR CHARLES MORTIMER: Mr. Chairman, I welcome the constructive suggestions that have been made in this very mild attack upon my proposals. (Mr. BLUNDELL: It is only decency on our part!) I would like to deal now with the comments of hon. members in more or less the order in which they were submitted.

First of all, the hon. Member for Rift Valley quite rightly referred to the filing and registration system in the Lands Department which has been very far from satisfactory. The Special Commissioner is introducing a new system which he has found effective in his work in India, and he hopes when he gets really moving that it will remedy much of the defects of the present system. There is a certain amount of confusion during the transition stage which I hope will rapidly be overcome.

The Special Commissioner has given considerable thought to the question of the number of boards and committees with which he has to deal, and is framing recommendations to Government on this

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subject which we will endeavour to expedite.

I think hon. members are quite right in saying that if the department is not up to the high standard of efficiency which the public are entitled to expect by another year, then there will be good grounds for criticism of the Special Commissioner and his staff, but I would ask that this further year be given with patience to enable the machine to get properly working.

I welcome the assurance of the hon. Member for Trans Nzoia that the subject of land control is under active consideration.

The hon. Member for Aberdare has been answered to some extent by the hon. Director of Agriculture, but I do share his misgivings as to the wisdom of our present procedure in the cutting up of valuable agricultural land much of which is wasted under its new ownership. With the 20-acre limitation without control, the tendency is to survey plots of land in some of the more desirable residential areas outside townships into plots of just over 20 acres. The purchasers as a rule merely want a residential plot of three, five or even up to ten acres, and the remainder so far as they are concerned is a waste of some of the best agricultural land in the Colony. That is a very unfortunate development which I feel must be stopped in some way. The right way of stopping it is a matter for discussion, and much controversy has arisen around it. The trouble is that at the moment we have no control over the sub-division of freehold land in the Colony over 20 acres in extent, and my feeling is that control should be exercised over the subdivision of all land to stop undue fragmentation and to eliminate the reason for the objection that the hon. Member for Aberdare has just raised. Regional planning is being attended to. The town planning adviser to Government has returned from leave and is giving earnest consideration to this great subject of regional planning and the utilization of the land of the Colony for the purposes for which it is best suited.

The hon. Member for Mombasa raised the question again of the filing system in the Lands Department, and suggested the employment of a firm of industrial

consultants. I can say that the firm of industrial consultants that has been engaged by Government for special work still has a representative in Nairobi and he can be asked to make a preliminary investigation, if that is required. This would no doubt tell us whether in his view further and closer investigation would be fruitful and what it would aim to do. It would cost us nothing to ask for this advice, and I am going to approach the Special Commissioner to see if he would welcome such investigation or whether it would be a hindrance rather than a help at the present stage.

The hon. member Mr. Mathu welcomed the new policy in regard to residential plots, and I can say that so far as the African resident in townships is concerned the Special Commissioner, Medical Department, and other departments have been giving very close consideration to the subject during the last two or three months, and we are just on the eve with the co-operation of the Administration of devising a completely new policy for enabling Africans in townships to take up plots at nominal rates and put up their own buildings on the most modest specifications that can possibly be permitted in a township. We hope that by that means the very acute problem of residential plots for Africans in townships will be removed. We are working in the closest co-operation in this matter with the hon. Member for Nairobi North, who has been appointed as a single Commissioner to go into this whole question of housing in the townships and municipalities of the Colony.

So far as trading plots are concerned, the problem is not quite so easy. In order to get the best advice available from the commercial community of the Colony we did put up the subject to the Board of Commerce and Industry, and they by a majority expressed the view that the present system of auctioning business plots should continue. I recognize, however, that that will for the most part eliminate African competition, because as a rule the African cannot compete in the open market with his European and Indian competitors. I will ask the Special Commissioner to go into the question to see whether in African areas in townships some special provision can be made for African occupied and owned business plots.

[Sir Charles Mortimer]

The hon. Member for Kiambu raised the question of industrial plots and the prices charged. Personally, I favour the charging of as low prices as may be practicable for industrial plots to encourage the development of secondary industries in the Colony. The Special Commissioner I think shares these views, and we will endeavour to see that industrial plots are made available to be put into the hands of people at reasonable figures which will give industry every chance of success.

We are proposing, I may say, to have a new policy—it has not yet been submitted to Government but will be at an early date—for the alienation of both commercial and industrial plots, in that while the term of the leases will still be for 99 years, a revisable rent will be introduced at the 33rd and 66th years. At present when assessing rentals for such plots we have been forced to take into account the fact that the whole 99 years of the lease had to be taken into account. With the new system that we propose it will be possible to let the plots go at comparatively low rentals for the first period, until the business gets firmly established, and then when by the efforts of the plot-owner and the community the values have considerably increased, it will only be just and right that the leases should pay an increased contribution to the State for the value they receive.

The hon. member Dr. Rana raised the question of Coast land and delays in dealing with it; also the hon. Member for the Coast. It was suggested that dealings with land at the Coast should be in the hands of the Coast Development Committee. Conferences have taken place on this subject, and we are at the moment conferring with the Land Board as to the best method of expediting the dealings with land at the Coast. I am not quite sure personally that the Coast Development Committee is the right body; with representatives of the Coast it is not always available at the Coast, it is sometimes difficult to get meetings of that Board, and it may be that delays would be increased rather than reduced by relying on the Coast Development Committee. However, the situation is being examined and I hope for fruitful and helpful results at an early date.

The hon. Member for Nairobi South had three points. First, the re-amalgamation of the Land and Survey Department. It was announced in the budget session last year that the separation of the two departments was for an experimental period. That experiment has run for one year and I do not think the time is ripe yet for re-investigation, but I do think that, at any rate for another year, the separation should run and then the situation should be examined to see wherein lies the maximum of efficiency. He also referred to the condition of the Land Department buildings. I am rather inclined to share his views, but, as I have throughout the whole 32 years of my Government service occupied that kind of building and no other, I do not feel that it is a very serious matter. (Hear, hear.) However, I will mention the matter to my hon. friend the Member for Development and see what he can do about it. The other question was that of staff, and I welcome his suggestion that the staff should be brought up to strength at the earliest possible moment, and if it is found to be insufficient hon. members should give a sympathetic ear to any applications for an increase.

The hon. Member for the Coast referred to the values of residential plots being made available at the Coast, or being offered for sale. Well, in my view these figures are extremely modest. It is not correct to say that the Land Department does not know values. The Land Department has access to all the records and knows exactly at what price any land transaction has taken place, and is in a far better position to know than the Coast Development Committee or any other body in the country.

MR. COOKE: On a point of explanation, I quite admit they are in a much better position to know, but I think that in order to develop the Coast the land values should come down a bit. I am thinking in terms of trying to develop that part of the country.

SIR CHARLES MORTIMER: I appreciate the hon. member's point, but I would remind him, and I have no doubt he knows the fact, that when private land changes hands at the Coast it goes for fantastic prices. (MR. COOKE: Government should set an example!) If Government in alienating its own land did so at prices anywhere near the figures

[Sir Charles Mortimer] realized for private land, there would be a howl from the country, and I think quite rightly. Government should not be an exploiter of land values and should not enter the black market, but at the same time it should not put the private purchaser of Government land into the position of being able to go into the black market next week and sell his plot at fancy prices which he has got for next to nothing.

I was glad to hear the hon. Member for Rift Valley defend the Land Board. From my experience of the Land Board, which has been a long one, I can say that there is, in my opinion, no official body in this country that takes more pains over its work and is more conscientious in its activities than the Land Board.

I think I have covered all the points. If there are any still left over I will deal with them privately.

MR. HAVILOCK: Mr. Chairman, there is one important point I should like to make before the motion is put, and that is the advocacy of the hon. Member for Health and Local Government for control over freehold land of over 2½ acres in order to meet the point raised by the hon. Member for Aberdare. I suggest that this is not the time to enter into any further control of freehold land. I believe our freehold titles should remain as they are, and I am quite certain that the necessity for preventing agricultural land from being split up into residential plots may be covered, as it has been and is being covered in areas round Nairobi, by making available areas which are not excellent, first class, agricultural land for residential occupation; that is by allowing certain areas to be split up down to five acres, or even less if necessary, which is what residential land requires and no more. If those areas are available, then there will be no more selling of 20-acre plots because buyers do not require them.

I am quite certain that that is the way to meet the type of situation which has been met round Nairobi, and I am certain it would meet the situation in the hon. Member for Aberdare's constituency as well. I suggest that to the hon. Member for Health and Local Government, and it is really a matter of planning; it is a matter of getting the area

planned out round Nyeri, or wherever the trouble may be at the moment, and having certain areas designated for residential settlement, and let the subdivisions come to the lowest level necessary in those areas.

SIR CHARLES MORTIMER: I will take serious note of the hon. member's considered views and will pass them on to the Special Commissioner, and will see what plans can be devised to meet the situation he puts before us.

The question that Head 34 be approved was put and carried.

#### Head 34a—Lands Department Extraordinary

SIR CHARLES MORTIMER: Mr. Chairman I beg to move: That Head 34a, Lands Department Extraordinary, be approved. There is nothing much to say about that. It is formal and not a large amount, and all the items are quite obvious.

The question was put and carried.

#### Head 35—Survey Department

SIR CHARLES MORTIMER: Mr. Chairman, I beg to move: That Head 35, Survey Department, be approved.

As has already been said, the splitting up of the Survey and Lands Departments was for an experimental period, and I think it should be continued at any rate for another year until we can review the situation. In the Director of Surveys we have a very competent and enthusiastic surveyor with the highest qualifications, and one in whom we can have confidence for efficiency and energy. The staff position is still very bad, but new recruits are now beginning to come forward, and a number of the posts have already been filled or are in process of being filled. There is still a lag, however, and probably that lag will continue for at least another year. The recruitment position is gradually improving but we are not up to full strength.

The estimates as now submitted are practically the same as those for last year, so there is nothing much that need arise of a controversial character on the estimates themselves. They are all concerned with what is called cadastral surveys. For the information of the less erudite members of Council I should like to point out in layman's language,

[Sir Charles Mortimer] which is the only language I understand, the difference between the various kinds of survey. There is some misunderstanding. The hon. Member for Nairobi South during last year's budget debate, with characteristic eagerness to hitch his wagon to a star, seemed to confuse cadastral and astral surveys! (Laughter.) But there is a very distinct difference.

There are two or three different kinds of land survey. Cadastral survey deals with the splitting up of land into comparatively small plots, and the surveying of the boundaries usually for private ownership. There is another kind of survey called geodetic, which is concerned with large areas of land and, if I may put it this way, provides the framework into which the network of cadastral survey can fit with accuracy and with certainty. Both these branches of survey are of very great importance. The trigonometrical survey is part of the geodetic work and is the method by which the geodetic work is mainly done. It is obvious to anybody who thinks about it that unless you have an accurate framework you can never with any certainty plot small portions of land within a given area. The three things must go together to have a really satisfactory system.

It is no good trying to disguise the fact that all is not well with the survey system of this Colony; indeed, it is very unsatisfactory. There are immense areas of land which have not been surveyed at all from the geodetic point of view. There are big demands for cadastral survey work, and immense arrears for cadastral work. It has been estimated that the arrears to-day represent 40 years' survey work for one man, and the current demands are even greater still. Development is being held up in all directions because of lack of accurate and consistent survey. Survey is essential to land administration and to every other kind of development. The geodetic and topographical survey of this Colony has been almost completely neglected. Nothing whatever has been done since 1920. The triangulation framework of the survey of the Colony has been neglected. Less than half of Kenya has been triangulated, and there are to-day over 100,000 square miles for which no triangulation at all exists to which cadas-

tral surveys can be tied with any prospect of accuracy. Trigonometrical beacons are missing all over the country. In some parts of the country it is more serious than in others, and these must be replaced if cadastral survey is to reach any high state of efficiency. Much work is required to provide the basic controls without which surveyors—either Government or licensed surveyors—cannot do their work properly.

Aerial survey is now being carried out, and a great deal of work is being done for us by the Colonial Survey Unit: work which it is estimated would cost this Government at least half a million pounds if we had to pay for it ourselves, and that is I think a matter of our good fortune and a matter for gratitude, too, to the Imperial Government for their assistance. This aerial survey, to be effective, must have ground work. A great deal of the ground work is being done by the Colonial Survey Unit, but there is still much for the Survey Department to do in seeing that the maps are properly prepared, with the accuracy which to-day is demanded. There has been no accurate levelling in the Colony, and we cannot with any certainty express the height of any particular point even to-day. All our topographical maps are either 35 to 40 years old, and have never been brought up to date. They are now being brought up to date with the assistance of the Colonial Survey Unit.

Hon. members may wonder why there is no provision in these estimates for that kind of work outside the scheme of the cadastral survey. The reason is that application has been made to the Development Authority for funds to carry on this geodetic work alongside the cadastral work. The Standing Finance Committee have provisionally voted a sum of £45,000 for this department of the work, subject to the approval of the Planning Committee to the precise details of the plan. The Planning Committee has had details before it which have included among other things, a training scheme for the training of local youths in survey practice, and that I think is one of the most commendable schemes that has been put before this Council for a long time. Its importance can hardly be over-emphasized. It will provide a grand opportunity for our local youths to gain

[Sir Charles Mortimer] proficiency in a profession that is well worth while, it will also save the Colony a great deal of expense in recruiting from overseas, and will also save a great deal of inconvenience in that we have the recruits on the spot instead of having to wait for them from overseas markets. So I would commend to hon. members, when they have an opportunity of discussing it, this training scheme.

Some misgiving has been expressed as to whether the time is really the right one, when financial stringency seems to be in the offing, for embarking on a big programme of geodetic work, and it has been the view of Government, and has been accepted by the Director of Surveys, that the geodetic work which is to be undertaken in the near future shall be confined to such sections of it as are necessary for the proper carrying out of the cadastral work. I think that is the right policy for the time being, although I am convinced that until the geodetic work for the whole Colony has been efficiently carried out we shall not have a complete and satisfactory survey system. There are still many points on which Government is in doubt as to the right line of policy, and, with the cordial encouragement of the Director of Surveys, we have invited Brigadier Hotine, who is in charge of the whole of the colonial survey work and is the adviser on survey policy to the Colonial Office, to come out to this country. We expect to have him here in February to give us advice on problems of policy and planning that remain outstanding and on which we want clear guidance.

*Council adjourned at 11.03 a.m. and resumed at 11.25 a.m.*

MR. COOKE: I did not intend to speak actually very long but there are one or two points the hon. gentleman brought up. I think I might say with regard to geodetic survey that the old saying applies—"the good is the enemy of the best". Or is it the other way round—"the best is the enemy of the good"? The point is this. However ideal it may be to have a geodetic survey, most people in this country feel we must get on with the job and have the cadastral surveys without which no property can be transferred. While I agree with the hon. gentleman entirely that the time must come when a geodetic survey must

be made, at the same time in order to develop this country and to attract people to this country—and it is economics that counts in the end, as my hon. friend the Financial Secretary knows so well—we cannot pay for geodetic surveys or any other kind of surveys unless we can get people to this country whom we can tax and in other ways extract revenue from. Therefore, I feel very strongly that we ought to press on with the cadastral surveys. If the geodetic surveys can be done at the same time so much the better. Certainly at the Coast, as my hon. friend said this morning, and as we who live at the Coast, know, development is being held up tremendously by the lack of surveyors.

I was very glad to hear the hon. gentleman mention about young Europeans being given a training course, which is a most excellent thing, but this is in certain ways a long-term project, and as my hon. friend said here will by the end of this year be a number of South Africans trained as surveyors. I hope some effort will be made to bring some of them to this country and I hope as well, if I may make a very feeble pun—this is my own King Charles's head—that a hastening of the training of African surveyors may be expedited. When I first brought up this particular question about 20 years ago I was told by the then Director of Surveys—I do not think the present Director of Surveys shares that view—that it was practically impossible to train Africans to do ordinary surveys. That has been proved to be incorrect in Nigeria and I think in Uganda, and as soon as we can, because it is our duty to do so, and it is much cheaper, we should train as many Africans as possible, especially for work in the Coast Province, where they would probably be better suited to the heat and conditions which prevail there. With those words I would like to support the motion.

MR. HOPKINS: Sir, I listened with the very greatest interest to the very lucid explanation of the hon. mover in regard to the various forms of surveying, and I was most gratified to hear him say that it was Government's intention to go on with those types of survey which would enable the country to get on with its cadastral survey; that is, the detailed survey of farm and other lands. I say I

[Mr. Hopkins] was gratified to hear this because there is a very persistent impression in this country that it was Government's intention to embark on a campaign of geodetic levelling. While I think everybody agrees geodetic levelling is something which every country should attain in the fullness of time, it is rather a luxury service, so I am very pleased to have the assurance, and the triangular survey I presume is what we want, and the erection of beacons, to facilitate the proceeding of the cadastral survey.

There is only one other point I wish to refer to, that is in regard to young men being trained. I do hope Government has in view some scheme for enabling these people eventually to take their proper degrees; because otherwise I see them being rather left in the air. There are, so far as I know, no facilities in this country for taking a proper survey course. I do hope those people who show adaptability for the work will be given facilities to go down south or somewhere like that to take their proper degrees.

MR. BLUNDELL: Mr. Chairman, I just want to delay Council one moment. First I would like to say how very lucky I think we are to have the services of the present Director of Surveys. I would like to say that from this side of Council, because I think we are lucky. Next, I would just like to endorse what has been said on this side about the necessity for getting on with the cadastral survey, whether or not we can immediately get on with the geodetic survey, and just to draw Council's attention to this. I have here a letter dealing with a plot, the subdivision of which has been carried out at Malindi by the surveyor there, and he states the plans await examination and approval by the Director of Surveys, and at the present time this takes a matter of six to nine months. I am not bringing that up as a criticism of the Director of Surveys or the department; I am bringing it up to show that is the considered opinion of a surveyor at the Coast, and to prove to members of this Council how terribly the delay in surveys is holding up the development of the country.

MR. MATHU: Mr. Chairman, I would like to support the motion moved by my hon. friend the Member for Health and Local Government, but I should like to

draw the attention of this Committee to the unsatisfactory state of affairs occasioned, as the hon. mover has told us, by the unsatisfactory position of the surveying of the whole Colony. In 1938 this Council enacted a law, the Native Lands Trust Ordinance, which scheduled the boundaries between the African land units in provinces and also between the native land units and the settled areas, townships and so on. These boundaries have been, as I say, scheduled in the Ordinance. On paper there were beacons, degrees, number of feet from known landmarks like railways, rivers and so on, but since 1938 there have been, in the African areas in particular, very frequent alterations of the boundaries. The boundaries usually moved from what the Africans knew to be the extent of their land either into Crown land or into another province, or into a settled area, and they moved into the African land units.

I will give you three examples to show what I mean. In the Kitui district there has been a shifting of the boundaries between the Kitui district and the Coast Province more than once, and in particular since the establishment of the Tsavo National Park. It is actually as a result of the shifting of the boundary when the Tsavo Park was executed, into the Kitui district proper that there was this instance on which I had a question put yesterday, and when the huts were burnt. Now the Kitui people as a result of that feel very bitter. There has also been a shifting of boundaries in the Kitui from the Tana River as you go down along the river as if going to the Tana River proper on the Coast, and that is the result of the survey.

THE CHAIRMAN: I should like to ask the hon. member a question. Is this the responsibility of the Survey Department? Are the matters you are now complaining about the responsibility of the Survey Department?

MR. MATHU: I reckoned, sir, that it was because they are the ones who survey—

THE CHAIRMAN: I do not know myself, it did not seem to me they were. If they are, I ask the Member for Health and Local Government, does your Department accept the responsibility for the alteration of these boundaries?

SIR CHARLES MORTIMER: This is the first I have heard of the complaints that have been made by the hon. member, and

[Sir Charles Mortimer]

I am extremely surprised to hear that by any official action boundaries have been moved except to re-establish boundaries that had previously been moved by Africans to suit their own convenience. I was waiting to hear what the hon. member had to say and then would undertake to take it up with the Director of Surveys to see whether the Department has in fact the responsibility. I am in ignorance at the moment.

**THE CHAIRMAN:** Does the Member for African Affairs claim this Department is responsible?

**MR. MATHU:** As it is a matter of survey which we are dealing with, and I know no other department except the Survey Department which can shape a boundary, my impression is that it is the responsibility of the Survey Department.

**MR. COOKE:** I think, sir, it is administrative action the hon. gentleman is referring to.

**THE CHAIRMAN:** Is it administrative action of this particular department? That is what I cannot get at. If the hon. member will explain to me that it is the administrative action of this department which is responsible for the complaint which he is now raising then the matter is in order, but if it is not to be attributed to the department as their fault then the matter is not in order.

**MR. MATHU:** Well, sir, I stand to obey your ruling either way. If you rule that I am out of order I sit down. I thought it is the Survey Department because it is a matter of boundaries which can only be laid down by the Survey Department. If I am out of order, rule it, sir, and I will sit down.

**THE CHAIRMAN:** The reason I asked the hon. Member for African Interests the question I did was to discover whether the matter is in order or not, and I would like to know distinctly this. Do you complain now that the Survey Department are responsible for the alteration of boundaries fixed by law?

**MR. MATHU:** I have already answered that question, sir.

**THE CHAIRMAN:** When you say you have already answered, I would not ask it again if I thought you had answered it.

**SIR CHARLES MORTIMER:** As there seems to be some doubt as to whose responsibility it is, and I cannot at the moment help in elucidating the doubt,

may I suggest the hon. member should put his queries in writing to me and I will undertake that they be thoroughly examined and a report given to him on the facts.

**THE CHAIRMAN:** I noticed the hon. Chief Native Commissioner was rising just now.

**MR. DAVIES:** Mr. Chairman, it has been suggested this is an administrative matter. It is the first time I have heard of it also, so I am unable to say whether it is an administrative matter or a matter for the Survey Department, but again if the hon. member will refer the matter to me I will certainly look into it and try to resolve between the administration and the Survey Department whose business it is.

**THE CHAIRMAN:** The word "administrative" was used only in connexion with the Survey Department. We are discussing the vote of the Survey Department and I am still waiting for an answer to my question from Mr. Mathu.

**MR. MATHU:** Sir, I am going to give three examples to show that there is this unsatisfactory position.

**THE CHAIRMAN:** With great respect to the hon. member, I have asked you to state clearly, and if you cannot satisfy me I must rule you out of order. How does this become the responsibility of the Survey Department?

**MR. RANKINE:** Mr. Chairman, I suggest that as this appears to be the first time that any of the Government side have heard of the matter, the hon. member should state his objections in writing either to my hon. friend the Member for Health and Local Government, or the Chief Native Commissioner, and we will have the matter examined?

**THE CHAIRMAN:** That will be a matter for himself, but from my standpoint as Chairman of this Committee I must rule him out of order.

**MAJOR KEYSER:** Mr. Chairman, I have had a considerable number of complaints—when I say considerable number, some half dozen complaints—brought to my notice in the last year or so of the very great cost of surveys of divisions of farms that have been sold. The suggestion is that the great expense is due to the fact that the Survey Department are not satisfied with some of the beacons of the original surveys of the farms, and that when a subdivision takes place they insist

[Major Keyser]

on the original beacons being re-surveyed and any error corrected. I have not myself had time to go to any great extent into the accuracy of these statements, but there is a feeling in the country—and I have come across it in various parts of the country—that that is the case. If it is the case my submission is that any error in an original survey of a farm must be the responsibility of the Survey Department, because a fee has been paid for the original survey of a farm and the correction must be at the expense of Government. Perhaps the hon. member to whom I have brought notice of these complaints could give us an assurance that any error in the original placing of beacons will not be made the financial responsibility of a future purchaser or the vendor, in the case of a farm being subsequently sold.

**MR. MACONOCHE-WELWOOD:** Mr. Chairman, one small point I would make, which rather ties up with what the hon. Member for Trans Nzoia has just stated, is this. In the past when beacons were put in, particularly trigonometrical beacons, they were not put in sufficiently firmly, so that they were subsequently moved. In many cases the trigonometrical point has had to be replaced, which is an enormously costly business, and I would ask the Survey Department when putting in trigonometrical points to have buried beacons as well as the one which shows on top, because we live in a country where all races have a tendency to say, "That beacon is in the way—I will move it a bit because like that it gets in the way of the *shamba*". That leads to very great cost. In the case of individual farms the onus for establishing beacons when they are put in should be on the landowners, and the landowners should be warned by the surveyor doing the job that it will cost them a very great deal if they do not arrange for these beacons to be put in firmly. I am not aware that it is very difficult for the surveyor to carry cement, sand and that sort of thing, in sufficient quantities, but if he cannot do it he should apply to the landowner for assistance in the matter.

**MR. HAVELOCK:** Arising from the remarks of the hon. member for Trans Nzoia, I also bring to the notice of the hon. Member for Health and Local Government the necessity very often for a re-survey when a transfer is made from

a 99- to a 999-year lease. That again is a very great expense to the landowner. As regards to the remarks made by the hon. Member for Uasin Gishu, I myself in the past have suffered and lost ten to twelve acres of land on a farm I used to own, because before I owned it the previous neighbour had shifted the beacon 100 or 200 yards, and it cost me a lot of money to get that matter re-established.

In bringing the discussion from the high level of policy to detail, if I may, I would like to ask a question on items 2 and 9 of the estimates. There are notes at the bottom of the page to the effect that posts under these items are paid from out of the Development and Reconstruction Authority vote. I cannot find anywhere in the Development and Reconstruction Authority estimates any mention of payments for these posts, and I would be glad to know what the situation is.

**MR. JEREMIAH:** Mr. Chairman, just one question on the point of surveys. Would the hon. mover please tell us who is responsible for keeping the boundaries in order once they are surveyed, because I think some are falling into disuse which is mainly the cause of people going over the other side of the area and therefore causing trouble, as has been mentioned by my hon. friend Mr. Mathu.

**MR. MATHU:** Mr. Chairman, I should like to emphasize the point raised by the hon. the mover and supported by two other speakers regarding the training of surveyors, local training for surveyors. We have in these estimates provision for the training of 5 African surveyors, and I would like to suggest, like other previous speakers, that this is such an important matter that we should on a large scale produce the trained men to cope with both the geodetic and the cadastral surveys. From the African point of view at the moment our need is for geodetic survey, and that is the one we want to make so that we have got all the areas properly marked out and we know where the boundaries are.

**MR. RANKINE:** The hon. Member for Kiambu asked why certain posts which are marked as being paid from the Development and Reconstruction Authority estimates. The explanation to that is that at the time the Development and Reconstruction Authority estimates were prepared I had no funds from which to



[Mr. Rankine] make provision for these posts. Since then, as members will see if they turn to the revenue in the Development and Reconstruction Authority estimates on page 10, the Development and Reconstruction Authority has been given an additional provision of £250,000 for additional capital works, and out of that sum I have been asked to take on certain new Survey Department posts which have been approved by the Standing Finance Committee. I have, pending examination by the Planning Committee, agreed to take on such additional Survey Department work as has been approved by the Standing Finance Committee.

MR. PRESTON: Mr. Chairman, I should like to ask a question on account of surveyors who are trained in other countries than Kenya, in England and South Africa, who, I understand are not allowed to practise or take full responsibility immediately on arrival in this Colony. I understand there is a time of probation. Does Government consider such time of probation is absolutely necessary, or could it be cut down, because one of the reasons why the Survey Department is so overworked is that they are really doing the work that could quite easily be done by private surveyors.

MR. BLUNDELL: Can I ask the hon. Member for Development, when you were making your explanation to the hon. Member for Kiambu you mentioned the sum of £250,000. That was a block allocation, and out of that I take it you set up these posts. That was not a block allocation to survey, was it?

MR. RANKINE:—No, sir, the hon. Member for Rift Valley is quite right. The £250,000 was a block allocation to the Development and Reconstruction Authority. Out of it I have already been asked to undertake certain, what might be called commitments. They are in fact projects which have been approved by Government. The balance of it is to undertake additional projects which may be approved by the Planning Committee and by this Council, or to undertake the additional cost of already approved projects.

MR. HAVELOCK: Mr. Chairman, can it be clarified—does it mean these posts here which are shown as to be paid by the Development and Reconstruction Authority are really subject to the Planning Committee's approval?

MR. RANKINE: I can understand what is exercising the hon. Member for Kiambu. What has happened is this, that the Planning Committee has had submitted to it a very comprehensive scheme for the Survey Department. Part of that has already been approved in principle by the Standing Finance Committee. That part which has already been approved in principle I have accepted and will provide for out of the provision which I have in the Development and Reconstruction Authority. The rest of it must go to the Planning Committee and, if it is then approved, and the proposal handed over to the Development and Reconstruction Authority for execution, the Development and Reconstruction Authority will undertake it.

SIR CHARLES MORTIMER: Mr. Chairman, I would like to thank hon. members for their understanding and appreciation of the situation, and would deal now with a few of the points that have been raised in the course of the debate.

The hon. Member for the Coast made the point—and I fully share his views—that in the present circumstances of this Colony cadastral survey is of prime importance and the geodetic work which is necessary, as I have already said, should be undertaken only as an aid to the cadastral work. But to what extent that geodetic work is really essential to the cadastral work is something that we do not at the moment know, and that is one of the questions that will be put to Brigadier Hotine when he arrives in the Colony, and on which we shall seek his advice. It is quite clear that you cannot do cadastral survey work without some geodetic work; how much, we do not at the moment know.

The training of African surveyors is one that is entirely in line with Government policy. We have five in Uganda at present undergoing training in the African Survey School in Uganda, and the reports of their progress are fairly good. It is an experiment, and before we proceed further we want to see the result of this first batch. It must be remembered, however, that before Africans can take up this work of survey training, they must have a basic education of a moderately good standard, and candidates are not readily forthcoming who possess the right qualifications, even for starting. Recruits for the staff posts from South Africa we

[Sir Charles Mortimer]

are endeavouring to obtain as fast as they come into the market having completed their basic training in the Union.

In reply to the hon. Member for Aberdare, I would say that it is part of the training scheme upon which we wish to embark that the brighter and more intelligent of the youths undergoing training shall be sent home on bursaries for higher education, so that they can fill the vacant posts in the higher branches of survey. What we would like to establish is a middle grade cadre of surveyors who will be qualified to do a great deal of basic and very valuable work and yet who are not qualified to enter into the higher branches. A few, a selected few of the cream, will be sent, we hope, to Great Britain or South Africa for a continuation of their training to the higher levels.

I appreciate the hon. Member for Rift Valley's tribute to the Director of Surveys, which I fully share. He referred to the six to nine months' delay in the examination of plans. That is unfortunately the case at the moment is regrettable. I might say that only a little while ago it was between two and three years, which was a serious calamity to the whole country. The average, I am told, is now three months rather than nine months. We are gradually overtaking the arrears, and we hope to catch up during this present year so that delay in examining plans will be very slight only.

The hon. Member for Trans Nzoia raised the question of the cost of survey, and as I half expected that question would be raised I took the precaution to get briefed in advance. It is quite true that survey is a somewhat expensive process, but not nearly so expensive as might be imagined compared with the value of the land. Take a subdivisional survey, for example. The private surveyor who does the work spends many, many days on the job very often, and his charges are commensurate with the amount of time he spends upon it. His remuneration is no more and often considerably less than that of the land agent who sells the property to some purchaser, when it has been surveyed, and the amount of time, effort, energy and skilled training required respectively in the two professions makes one feel that after all the surveyor's charges are not excessive.

The position about survey charges on the conversion of titles from 99 to 999 years, as I have already explained to the public in a long memorandum which was issued in the *K.I.O. Fortnightly*, is that if a re-survey is required as a result of the failure of the original survey the work is done free of charge by Government. If, however, beacons have been moved by kindly neighbours, that is a responsibility Government cannot accept and should not be expected to accept on behalf of the taxpayers of the Colony.

On subdivisional surveys there is a good deal of misunderstanding, and I want to clear it up. I have asked the Director of Surveys to give me a note on this, and in order that it shall be exactly recorded I would like to read it:

"(i) When the existing survey of the plot to be subdivided is known to be satisfactory, the sub-divisional survey need only consist of the minimum to define the new subdivisions and the cost computed accordingly. (ii) When the existing survey is known to be erroneous, and when the old beacons are known to be missing, a complete re-survey of the original plot is demanded and the full cost is charged. (iii) When the lessee certifies that the beacons of a "remainder" are in position and when there is no reason to question the technical accuracy of the old work, the minimum of survey is demanded and paid for. That is the general position, but there are naturally a great many variations in practice, so that the Survey Department assesses each survey and tries to be as equitable as possible."

It should not be overlooked that we are dealing with taxpayers' money, and that a very valuable asset, an accurate survey, is important to the land-owning public. I would remind hon. members and the public that it is the responsibility of the landholder placed upon him by law to preserve his beacons in their proper positions, and that he is responsible if they are moved either by himself or by somebody else.

The hon. Member for Uasin Gishu raised the question of trigonometrical beacons that are disturbed. I believe I am right in saying that it is the practice of the department now to have buried beacons in addition to visible ones, so that even if the visible ones are removed the correct position can be re-established

[Sir Charles Mortimer] without a great deal of trouble and expense.

I have already dealt with the point made by the hon. Member for Kiambu.

The hon. member Mr. Jeremiah raised the question of responsibility for the maintenance of boundaries. I repeat again what I have said, that it is the responsibility of the landowners or occupiers on each side of the fence to make sure that their boundary marks are preserved intact.

The hon. member Mr. Mathu raised the question of training of Africans with which I have already dealt.

The hon. Member for Nyanza asked about qualifications of surveyors. The law of this country as at present existing allows surveyors possessing dominion qualifications to be licensed in this colony without any further examination or checking. Other surveyors coming into the country—shall I say "other people calling themselves surveyors"—because the term "surveyor" is a very loose one and is differently regarded in different parts of the world—people calling themselves surveyors coming into this country have to prove that they are capable of doing the kinds of surveys required in this country, and doing it accurately. That is all that is asked of them. They are required to pass an examination, which every surveyor should be able to pass. If he is entitled to call himself a surveyor in this country, he is required to go through a short period of apprenticeship to see whether he is worthy to be admitted to the high profession of licensed surveyor.

We have on the stocks now a replacement of the Land Surveyors Ordinance, in which the qualifications of surveyors in this country will come under review, and there will be an opportunity then for discussing how wide the powers of the board shall be. What I would insist upon is the importance in the interests of the land-owning section of this colony that the high standard of survey we have obtained should not be allowed to be lowered. We have achieved it after very considerable effort and struggle, and it would be disastrous, I think, for that standard to be brought down.

I think I have now covered all the points that have been raised in debate.

The question was put and carried.

#### Head 35—Survey Department Extraordinary

SIR CHARLES MORTIMER moved: That Head 35A, Survey Department Extraordinary, be approved.

MR. BLUNDELL: I want to ask the hon. member if, as this is largely concerned with cadastral survey, this is a special item popped in for geological surveys?

SIR CHARLES MORTIMER: On this point I am not quite sure, but I would give the assurance that appearing where it does in these estimates it is related to cadastral survey. I am now assured by the Director of Surveys, who is in the public gallery, that I am right. (Laughter.)

The question was put and carried.

#### Head 41—Health and Local Government Department

SIR CHARLES MORTIMER: Mr. Chairman, I beg to move: That Head 41, Health and Local Government Department, be approved.

There is nothing much to say about this particular Head except to draw attention to item 3, in which a new post is inserted in the estimates, that of Commissioner for Local Government.

The staff position of the headquarters of the Health and Local Government Department has been very difficult during 1949. There have been three separate officers occupying the post of Secretary to the Member which has been doubled up with that of Commissioner for Local Government. Mr. Colchester was transferred to Northern Rhodesia as Commissioner for Local Government; then there was an interim appointment of an officer who has since been appointed Secretary to the Development and Reconstruction Authority; and now I have the substantive appointment of an officer of long service and a very satisfactory record who has rendered good service in the past.

But the time has come, and I say it without hesitation, when the post of Secretary to the Member and that of Commissioner for Local Government can no longer be doubled. The member cannot have the help and assistance of a secretary to the extent that he ought to have when his interests are divided between that of the departmental head and that of Secretary. Furthermore, the post of Commissioner for Local Government

[Sir Charles Mortimer] with its increased and ever increasing responsibilities, does demand to be filled by an officer with local government experience in some other large local government centre, and one who can devote the whole of his time to the development of our local government system. There are big changes in the offing. District councils take on new responsibilities, African district councils are soon coming into view, and it is important that we step off on the right foot in all this new development so that our local government system may be developed on lines of which we can be justly proud. Furthermore, progress is very marked in our other municipalities and our younger ones need help and guidance to an extent that we have been unable hitherto to offer.

During last year, as I have already suggested, we have had a series of staff difficulties, not only in the post of Secretary and Commissioner but also in all the other posts. The Local Government Inspector, on whom we rely for financial guidance and help, retired early in the year and went on leave pending retirement. It was very difficult to fill his post, but at long last the Colonial Office selected an officer who was eminently suitable. He was coming out in October, but two days before he was due to start he withdrew his application, and we had to start again. The next one was due in November, and he retired just before he was due to leave on account of his wife's health. A third one arrived two days ago, and I think will prove eminently satisfactory. He is a north-countryman and that is a first-class qualification (laughter), and he has had very good service.

The post of Assistant Local Government Inspector has also been another difficulty. Soon after the Local Government Inspector went on leave his assistant was offered promotion in the Medical Department, and as we could not block his way he had to go, and we started afresh with another new man. So the story has gone on with almost every post.

There is one other matter I should like to mention, that under item 7 there is financial provision made in the estimates for the appointment of one Local Government Assistant Inspector only, although two posts are specified. The reason for that is that we want to wait

until the Local Government Inspector newly appointed gets a grip of the situation and knows exactly what he wants before appointing another officer to the post of assistant. Later we may come along and say that we should like that post to be filled, and I hope that if we do it will receive the sympathetic hearing of the Standing Finance Committee.

MR. HAVELOCK: Mr. Chairman, referring to the new appointment of a Commissioner for Local Government, I am very glad to hear the hon. member give warning that he considers that great developments are taking place in that particular direction and that that is the reason of the necessity for this post. I think it is high time that great developments took place, and I am sure that a man with great experience and high capabilities is definitely necessary at this time. I also know that the district councils favour the appointment of a man of great local government experience to help them launch into wider and more responsible activities which I hope may take place even this year. The same, of course, will apply to the African district councils.

There is one doubt in my mind, whether we shall be able to get a sufficiently qualified and experienced man for the salary that is being offered. I know it is an extraordinary thing for, especially myself, on this side of Council to suggest that somebody's salary may not be sufficient, but I believe the future of the country depends very greatly indeed on the development of local government, and it is one of the most vital posts, I believe, in the Government's estimates. For that reason I would like to sound a note of warning, to the effect that we may be called on, I think, to pass a slightly higher salary to get the right man, and I am sure it will be worth doing so because of the importance of the post. But if we are called upon, I would suggest that the increase in salary should take the form of a personal allowance rather than an increase in the scale.

With those remarks I beg to support.

MR. USHER: Mr. Chairman, I merely wish to say that I also welcome the proposal to appoint a Commissioner for Local Government. I do so because I happen to be associated with local government in Mombasa, and in doing so I

[Mr. Usher] should like to say that the Acting Commissioner has been most helpful and courteous. (Hear, hear.)

The question was put and carried.

#### Head 42—Government Chemists Department

SIR CHARLES MORTIMER: Mr. Chairman, I beg to move: That Head 42, Government Chemists Department, be approved.

There is not much to say about this particular head of the estimates. This small but efficient department carries on its work to the satisfaction of everybody with whom it deals, and it does a great deal of work for other departments and the general public; and for our municipalities, and collects a certain amount of revenue for the work done for outside parties. There is practically no change in the estimates now submitted from those of last year.

The question was put and carried.

#### Heads 43 and 43A—Local Government Contributions

SIR CHARLES MORTIMER: Mr. Chairman, I beg to move: That Head 43, Local Government Contributions, be approved.

This head relates entirely to grants to local authorities. The first section deals with grants to various municipalities. These are mostly statutory, and we more or less have to pass them unless we alter the law. They represent very small increases upon the provisions for last year.

Under the sub-head district councils, hon. members will notice an increase in item 34 of £15,000, a temporary addition to the basic road grant. I think we all recognize that the present basic road grant system is obsolete and is well ripe for revision. The form that revision will take place will depend upon the acceptance or otherwise of the Road Authority Committee report which I hope will come before this Council without very much longer delay. In the meantime, we have to carry on on the old system, and although district councils are still very short of money and do not get nearly as much as they would like to have, this extra £15,000 will be of considerable help to them. I think that is all the comment I have to make at this stage.

MR. HAVELOCK: In this matter of district councils, with your permission, Mr. Chairman, I would like to read an extract from the memorandum on the 1949 draft estimates which refers to this particular item in that year: "The increase in this item (maintenance and improvement of roads and bridges) should be considered together with the increase in Head 44, Items 33 and 34, basic road grants to district councils, and arises in the following way. Originally an increase of approximately nine per cent in each item was made, but during the final stages of preparation of the Colony's estimates it was considered that a further sum of £50,000 should be divided proportionately between the two items as the provision originally made would not suffice to provide even a modest standard of maintenance. Indeed, the amount at present provided will not be regarded as adequate either by the Public Works Department or by district court councils, but the Government does not feel that it can properly invite the Legislative Council to vote further funds pending the creation of a road authority. The deliberations of the Road Authority Committee have now reached a final stage and the Government hopes to be able to lay proposals before the Legislative Council at an early date." That was last year's memorandum, and I wish to bring that to the notice of this Committee because I do believe that the district councils have had a very tough passage, in the last year especially. The money that was granted to them last year was really on the understanding that it might be a temporary grant pending the reallocation of monies by the Road Authority, and probably extra monies from the Road Authority, and I do want to underline the absolute necessity for Government to provide district councils with sufficient money to maintain their road. They have not done so in the past, and because of that much capital money has been wasted. There have been occasions during the last year when special grants have had to be given to certain district councils to reconstruct roads to prevent such roads from being smashed completely to pieces, and to prevent the capital monies invested in these roads from being wasted, and it is false economy to expect the district councils to try and run things on a shoestring, as they have been expected. The extract that I have read to you, I suggest also empha-

[Mr. Havelock] sizes the extreme urgency of the Road Authority Committee's report being debated and either accepted or not, but anyway a decision being made one way or the other in the very very near future, otherwise what happened last year will happen again this and our money literally will go down the drain of the district council's roads.

£15,000 is a help. I have had the opportunity of studying this matter in detail on various boards and committees and I would say I consider £15,000 is merely just a small help. It is not sufficient, and no matter what other things are necessary for the Government to pay for I believe that our roads are one of the most vital things and must be kept up to standard. In supporting this Head, I do hope that the hon. member will take great note of my remarks, especially as regards the urgency of getting on with making a decision on the matter of a Road Authority.

SIR CHARLES MORTIMER: Mr. Chairman, in general I share the views of the hon. Member for Kiambu on the great importance of maintaining an effective road system in the Colony and helping the district councils as far as finance will possibly permit. The Road Authority Committee's report has been before the district councils for some little time. They have been given until January 30th to submit their comments, and as their comments are essential before the Government can fully consider its own policy in the matter I think it is right that we have awaited a reply before we have proceeded to formulate a policy to place before this Council, but I sincerely hope that at the next session of this Council, the whole subject will be debated and a satisfactory conclusion reached. In the meantime this interim measure is just a sop, which I hope will keep the district councils quiet for a little time at any rate.

The question was put and carried.

SIR CHARLES MORTIMER: Mr. Chairman, I beg to move that Head 43A, Local Government Contributions Extraordinary, be approved.

This consists entirely of extraordinary contributions to the district councils for special works. Every single item represented here has had the approval of the

Central Road and Traffic Board. The details are specified in the memorandum on the estimates, and there is no need for me to say much about them.

The question was put and carried.

#### Head 44—Medical Department

DR. ANDERSON: Sir, I beg to move: That Head 44, Medical Department, items 1 to 25 be approved.

In speaking in support of this motion I do not intend to deal in detail with the items under the heading of the medical estimates. I would prefer to give Council a short account of some of the aims and objects of medical policy which we have before us during the coming year. Before doing so, I should like, if I may, to give to the House a brief outline of the stage of evolution at which the medical service has arrived at the present time, with particular reference to the African community. I mention the Africans specifically because the medical needs of other races are to a very large extent met by practitioners of their own race.

We have built up during the last thirty to forty years a medical organization in this country which consists first and foremost of a number of hospitals in the main centres. These hospitals, when we consider our limitations of qualified staff have, I think, reached a very reasonable stage of efficiency, and one of them, the Group Hospital, Nairobi, is, I would say, without any question the finest native hospital in tropical Africa. In addition we have, particularly in the native reserves, a chain of dispensaries which dispense curative medicine at various stages of efficiency, but often, I am afraid, of rather a sketchy nature. We have also a sanitation division which deals with environmental hygiene, and an insect-borne diseases division which is concerned with the investigation of communicable diseases and is concerned to some extent with their prevention. But we have nothing which is comparable to the general practitioner-patient relationship or the patient-district nurse relationship which is so very much a feature of medical services in more civilized countries.

This brings me to the first of the aims of medical policy which is, that we must reorientate our way of thinking away from an automatic increase in hospital beds as the only method of expansion of

[Dr. Anderson] our medical service. This institutional service is, incidentally, far and away the most costly method of providing a medical service. We must, I submit, place more emphasis upon social medicine, on promoting health services and in trying to bring our service into much more intimate contact with the people whom it serves. It is with this object in view that the health centre concept has been formulated which has, I believe, already been described to some extent in this Council.

Briefly, we hope that they will consist of enlarged and improved dispensaries in which there will be health visitors who will be able to carry out some domiciliary midwifery, and a sanitary assistant. All these are Africans who will give people advice about the improvement of their homes and so forth, and controlling all the activities of the health centre there will be a medical assistant or African medical auxiliary who will be responsible for curative medicine and control of that little group of workers in the area. Controlling the whole there will be a European medical officer or medical officer of health, who will be relieved of the responsibility of running a hospital, so that he can devote his time to the co-ordination and administration of the work that is going on in the district.

Secondly, I believe our greatest need at the present time is for an intensive effort to improve and increase facilities for training Africans in medical work. This country is crying out for African doctors. There is no greater medical need at present than for more African doctors, but at the rate at which they are now being turned out from Makerere, and at the rate at which they will be turned out in the foreseeable future, their numbers will be quite insufficient for our needs. I believe that we have the remedy in our own hands at least as an interim measure. We can and we should train medical assistants, or medical auxiliaries—all them what you will—who can undertake the responsibilities of running the health centres that I have already described, or small hospitals which contain a number of beds, in the African areas. We can do this, I know, because already we have one or two Africans who are doing it and who are doing it efficiently. It is for this reason that we have recently revised our system of training for African medical orderlies,

or hospital assistants as we call them, with a view to turning out in increased numbers African male nurses in the first instance who, after a preliminary probationary period in hospitals, will be able—we will choose the best of them—to go in for a further course of training in order to run a small institution, such as I have described, on their own.

At the same time, and this is a priority which I will put in the highest possible category, we must get down to a proper system for training African girls as nurses. This is something which we as a service have never managed to do up till now, but I do feel that it is a thing which we must start straight away, or as soon as suitable arrangements can be made. At the same time we must, I think, make arrangements for the training of African midwives in very much larger numbers than is at present possible.

A third objective of medical policy in future should be a more active approach to the control and, it is hoped, eventual eradication of communicable diseases. We have in this country a large number of diseases which are communicated from one person to another, either directly or indirectly, and which are therefore to a very large extent preventable, which have a most devastating effect upon public health. I refer particularly to tuberculosis, malaria, leprosy and venereal disease. But there are others of hardly less importance, such as bilharzia, relapsing fever, sleeping sickness, and trachoma and many others. We have progressed quite a long way in this country towards the eradication of two communicable diseases, namely, onchocerciasis and yaws, but the steps which have been taken towards the control of the others which I have mentioned have had practically no effect as yet upon the incidence of these diseases amongst the population generally.

The reasons why more has not been done are I think twofold. In the first place, funds in sufficient quantity have never been made available, and secondly, because until a decade or so ago the methods of prevention and the methods of treatment which we had at our disposal were really inadequate to make very much impression upon the problem. But there has come upon us in recent years, quietly but with increasing tempo, a veritable revolution in tropical medicine and in the methods which we have at our dis-

[Dr. Anderson] the treatment and control of disease, as a result of the discovery of new drugs and new insecticides. These drugs and these preparations are unfortunately expensive, as a glance at item 137 in the Medical estimates will show, but they are so efficient relatively to anything we had before that I believe that the control and, we may hope eventually, the eradication of some of the diseases I have mentioned, has become for the first time an economic possibility.

The next point to which I should like to refer is one which has already been mentioned in a previous debate, and that is the provincial organization in so far as it affects the Medical Department. The provincial organization, and the provincial team in particular, has come in, as I say, for a good deal of criticism, but in so far as the medical part of it is concerned I believe, and I believe very strongly, that it is a very essential part of our organization, without which I do not think that we can have an efficient organization. The Medical Department has grown so big and its activities are so widespread that it is impossible for there to be that close liaison between the medical officer in the field and the staff at Medical Headquarters which I believe is desirable. It has therefore become necessary for a senior medical officer, operating at provincial level, to be given more authority, to co-ordinate and control the activities of the medical officers working in the districts in his province.

And here I should like to remind hon. members that a number of medical officers working in hospitals, if their work is not co-ordinated, do not constitute an efficient medical service. In the approach to the problems of public health which are often very often similar in a province and very dissimilar between one province and another, it is essential that there should be one policy and that there should be control at the level I have indicated, where the senior medical officer is able personally to visit his districts and keep in constant touch with the medical officers under him.

Further, it is essential in such provincial centres as Mombasa, Kisumu and Nakuru that there should be built up hospitals provided with services which cannot, owing to their cost, be provided at the district level. The services which I

refer to are specialist services particularly, such as a surgical specialist, laboratory services, and an efficient X-ray department. These services cannot, as I say, be provided at district level owing to their cost, and they certainly cannot be provided adequately from Nairobi.

The next point to which I should like to refer for a moment is one which I am quite sure has been mentioned before in this Council, but it is one I think which is all too often forgotten, and that is the importance of public health in the economic life of the country. I mention this because the medical service is often looked upon as if it were a non-productive recipient of charity, or as an unrivalled medium through which surplus balances may be dissipated. There is, I submit, more to it than that. We know that the African, particularly in this country, owing to his environment and his method of life, does harbour parasites which cause parasitic diseases to an enormously greater extent than anything which happens in temperate climates and in a more civilized communities. It is difficult to say how much harm these parasites do to the community, or do to the individual; it is difficult to measure it. All we can say is that they do considerable harm, and there is, I think, no question that maladies of this kind do very seriously interfere with the efficiency and with the output of the African, and particularly the African labourer.

I submit therefore that an efficient medical service, particularly if it has a bias towards public health and prevention, is a form of investment which pays dividends, dividends which, although incalculable, are none the less very great.

THE CHAIRMAN: The hon. member, I take it, will be some time and this would be a convenient opportunity for you now to move that we report progress and ask leave to sit again.

MR. RANKINE: Mr. Chairman, I beg to move that the Committee rise, report progress and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT.

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Thursday, 12th January, 1950.

**Thursday, 12th January, 1950**

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 12th January, 1950.

The Speaker took the Chair at 9.40 a.m.

The proceedings were opened with prayer.

**MINUTES.**

The minutes of the meeting of 11th January, 1950, were confirmed.

**ORAL ANSWERS TO QUESTIONS**

No. 96—LEMBUS FOREST

MR. CIEMALLAN:

Is it true that the Forest Department is carrying out an afforestation scheme in the open area east of Lembus Forest, South Baringo? If the answer is in the affirmative, does Government realize they are putting the Lembus people into a very great grazing difficulty, and will they please consider abandoning the scheme?

MAJOR CAVENDISH-BENTINCK: The Forest Department is not carrying out an afforestation scheme in the open area in the east of the Lembus Forest.

MR. MACONOCHE-WELWOOD: Mr. Speaker, arising out of that reply is Government aware that there are far more Africans in the Lembus Forest today than the original right-holders, and what steps do they propose to take?

MAJOR CAVENDISH-BENTINCK: The reply is that originally there were, speaking from memory, 485 right-holders. Government is aware that there is a far greater number of Africans in this forest than is authorized, and the provincial commissioner at the moment has got the problem under review.

MR. MATHU: How many of these are the natural increase of that 485 of whom the hon. member knows? (Laughter.)

**GUARANTEE (HIGH COMMISSION RAILWAYS AND HARBOURS LOAN) BILL**

RECOMMITTED

THE SPEAKER: The next order on the paper is for the recommittal under suspension of Standing Rule and Order No. 88 of the Guarantee (High Com-

mission Railways and Harbours Loan) Bill for certain amendments. I have received a communication in these terms: "Mr. Speaker, under the provisions of Standing Rule and Order No. 88 I hereby return to the Council the Guarantee (High Commission Railways and Harbours Loan) Bill so that the following amendments may be considered: (a) That the figures '1949' in the second line of clause 1 be deleted and replaced by the figures '1950'. (b) That the definition 'the Secretary of State' in clause 2 be deleted. Dated at Nairobi this 11th day of January, 1950. J. D. Rankine, Governor's Deputy".

MR. O'CONNOR: Mr. Speaker, I beg to move: That the amendments suggested in the communication which you have just read be agreed to. They are both trivial amendments which were not observed as being necessary when the Bill passed through the Council.

MR. HOBSON seconded.

The question was put and carried.

**THE MUNICIPALITIES (AMENDMENT) BILL**

SECOND READING

SIR CHARLES MORTIMER: Mr. Speaker, I beg to move: That the Municipalities (Amendment) Bill be read a second time.

This Bill refers to a comparatively small and yet rather important matter that affects chiefly the Municipal Council of Nairobi and its staff. At present, under the existing law, provident funds, pension funds, and superannuation funds are governed by by-laws. That has been found in practice a rather cumbersome method of dealing with a matter in which, after all, the public are not greatly concerned; it is purely a matter between employer and employee, and can be best controlled by rules. What is now proposed is that in the enabling section of the principal Ordinance powers should be given to municipal authorities to make rules controlling such funds.

That is the whole purport of this Bill, and there are one or two consequential amendments required to bring the whole matter into co-ordination.

MR. HOBSON seconded.

The question was put and carried.

**COMMITTEE OF SUPPLY****ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950**

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

It had been proposed that Head 44, Medical Department, items 1 to 25 be approved.

DR. ANDERSON (continuing): Mr. Chairman, yesterday I tried to give to hon. members an outline of some of the aims and objects of medical policy during the coming year. This morning I have not very much more to say, but I would like to refer briefly to the possibility of further expansion in the medical service, and to touch upon possible methods of how such expansion may be financed.

Some expansion of our department in the future is, I consider, essential if we are to give real service to the people of this country. Although as I said yesterday we have put a very large proportion of the capital sums available into hospital beds in the past, we still have only provided one hospital bed to about 1,200 of the population. The comparable figure for England is something in the nature of ten times that number of hospital beds to an equivalent number of the population. I would like to consider whether it is possible for the African community, for which this expansion is designed, to in any way contribute financially to the capital and current costs.

First of all, I should like to remind hon. members that the African community has made a very big financial contribution to medical services in this country through the local native councils. They have, as I mentioned yesterday, assumed the whole responsibility for dispensary services in the reserves (and there are a lot of them), for maternity services, and also for ambulance services. There are one or two possibilities of raising revenue which it will be possible, I think, to put into practice in the very near future.

The first of these is to start one or more paying dispensaries on the lines of the recommendation of the committee set up recently by the hon. Member for Health and Local Government under the chairmanship of Dr. Drury. This com-

mittee recommended that a pilot scheme should be initiated for a future dispensary in one or possibly more centres, which would be financially self-supporting and at which African patients attending should pay a fixed charge. In return for this fixed charge, they would be provided with certain amenities which are not available to people attending the free dispensaries, and in particular the waiting time, it is to be hoped, will be cut down. It is intended as soon as arrangements can be made to start one or more of these paying dispensaries.

Secondly, it is hoped that we shall be able to start at some or possibly most of our hospitals a few paying beds for Africans who are willing to pay a fee in return for better amenities. It is believed that there is a demand on the part of the African community for some such service as this. In both matters it will be noticed that it is the well-to-do who will be asked to pay and payment will be voluntary.

I would like just to indicate one or more possible ways in which revenue might be raised, but I must make it quite clear that these are only suggestions or ideas and Government is in no way committed to them. I am putting them forward at this stage because I would like to know what is the reaction of hon. members, and particularly of members opposite, to the suggestions which I am going to make.

First of all, there is the possibility which has been considered from time to time of levying a small charge on all African patients attending hospital. I do not wish to consider this possibility in detail; possibly later in the debate an opportunity will be given to me to consider it further. I just mention it at the present time in passing. Secondly, as a possible further method of raising revenue which requires examination, there is the question of the raising of charges for employed labour and for accident cases treated in hospitals under the Workmen's Compensation Ordinance. The cost of hospital treatment to the employer has been fixed at Sh. 1 per head per day for each African treated as an in-patient up to a maximum of Sh. 30. That charge has never been altered for at least as long as I can remember, nearly a quarter of a century, and it now bears no relation, or very little, to

[Dr. Anderson] the actual cost of hospital treatment. I suggest, therefore, that the raising of these charges is a method of raising revenue which demands further consideration.

As an alternative, it might be more convenient if instead of levying a charge for patients admitted to hospital, a small tax on all employed labour was levied at the beginning of the year which could be calculated to bring in similar revenue.

Finally, I would like to refer to a matter which in the short time I have been here has caused me a considerable amount of thought and concern. That is the expansion of medical services for Africans in the settled areas.

There is in the settled areas nothing quite comparable to the medical services which have been provided in the native areas, partly as the result of the efforts of local native councils. We often get requests for maternity services and for new dispensaries accompanied by an offer to pay part of the capital cost. But as a rule no reference is made to any offer to pay a proportion of the recurrent costs, and it is the recurrent costs which Government find it very difficult to meet. It seems to me therefore that local authorities—or perhaps I should say local communities in settled areas—should consider whether they could not take over the financial responsibility for certain medical services, such as maternity wards, dispensaries (or as I prefer to call them, health centres), and possibly ambulance services. I have not asked the Committee or even suggested any detailed method by which this could be done, but it is possible that contributions, increased contributions, might be made available from such sources as the Native Trust Fund. In addition, the possibility I think of small direct payments by African patients in return for treatment will have to be considered in these settled areas.

Whatever method may be adopted, I feel sure that with good will on all sides and if a statesmanlike approach to the problem is made there are great possibilities for co-operation in this matter between the communities concerned, namely, the Africans and Indians living in the settled areas, the Europeans and Government which, if it succeeds in

building up an adequate service for Africans in the settled areas should rebound very greatly to the credit of this country.

SIR CHARLES MORTIMER: Mr. Chairman, there is one matter, a very important matter, which I think should be brought to the notice of hon. members before the debate proceeds far, and I think it would be appropriate that I should intervene at this stage to make the point.

First of all, I am sure I would be expressing the view of all members in conveying to Dr. Anderson, the Director of Medical Services, our very hearty congratulations on his appointment to the substantive post of Director, and also my personal congratulations to him on his very able and comprehensive maiden speech in this Council. (Applause.) The few comments he made a few days ago hardly count as a maiden speech! I have, as Member for Health, been gratified to observe the efficient and energetic manner in which our Director has taken hold of the situation here and in which he has formulated his plans for the future. I welcomed very much his stress in his speech on positive health, on what is now generally called social medicine. I think that is the line of approach for any advance in our medical services.

I also take this opportunity of paying a warm tribute to our medical service. They have done magnificent work in this country, all too little recognized. (Applause.) We have a very competent and enthusiastic band of doctors and nurses working often in unobserved and unostentatious positions throughout the Colony, and they are doing a grand job of work, and I think they need all our support and encouragement.

But all is not well with the Government medical service in Kenya. There is a very serious shortage of doctors. We are 22 or 23 short of the establishment at the present moment, and we are likely to be more short. Recruitment overseas is almost at a standstill. There is a variety of reasons for that, but I think from my study of the situation that the main reason is a financial one. Our salary scales and our terms of service here are not attractive enough to induce recruits to leave the congenial atmosphere of Great Britain to come out here to an unknown Colony. The plain fact of

[Sir Charles Mortimer] the matter is, to put it bluntly, that the market price of doctors has gone up and if we want doctors we shall have to pay the market price. We are satisfied here that it would be in the very best interests of the Colony as a whole and of the medical service that the service should be maintained as a British service with officers who have been trained in the British medical schools and in the British tradition of medical service. It is important in the training of Africans that those responsible for their training shall be medical officers with the highest traditions of service in their bones (hear, hear), and I think it would be very unfortunate if we were forced to depart from that standard. The plain fact is, however, that unless comparable conditions of service to those which are available to a medical officer in the United Kingdom can be offered here we shall not get recruits, and our medical service will either disintegrate or we shall have to lower the standard and take in others with qualifications not so good as we would desire, and that I think would be a disaster.

Discussions have been taking place between the British Medical Association and the Secretary of State for the Colonies, and those discussions have now almost reached finality. We had sent out to us only a few days ago the result of the discussions and the views of the Secretary of State on what action this Colony ought to take in regard to the rank and file of the service. Specialist services still remain for consideration in a further dispatch. Those proposals, as I say, were received only a few days ago; no one has had time yet to study them. But I do give serious warning to hon. members that in approving these estimates it is not the last word, and that proposals will come forward at a comparatively early date for an improvement in the terms of service of medical officers, which will have to have the very serious consideration of this Council, or the alternative must be faced, as I have said, of the disintegration or lowering of the standard of our medical service.

I beg to support.

MR. HOPKINS: Mr. Chairman, before going on to say what I wish to under this head, I should like to join with the hon. Member in congratulating Dr. Anderson. I have had the pleasure of

working for quite a long period in the same district as he did, and it is my opinion that if he can instil into the medical services of the Colony, into the hospitals and into the staff, the same enthusiasm and energy as he did when he was in charge of districts, then his appointment will indeed be a happy one for Kenya. (Applause.) There is only one regret, sir, that I have in regard to this appointment, and that is the regret which I always have when I see a really good doctor taken away from doctoring and put on to administrative work.

In last year's budget debate, when under this head I brought up the matter of payments of fees by Africans, the hon. Member replied that in the previous year, that would be 1947, a committee had been appointed to go into the practicability—not advisability, the practicability—of collecting fees, and had come to the conclusion that the difficulties and expenses in the way of collecting fees would far outweigh any revenue which would accrue. It appeared, however, that he was not altogether satisfied with the findings of this committee, because he went on to add that the whole situation would again come under review in 1949. In due course a committee was appointed, and I was invited to give evidence before it. Such evidence as I gave and such arguments as I put forward were an endeavour to show that the collection of fees from Africans at the various hospitals and dispensaries throughout the native reserves was both practicable and desirable. I have not yet heard what the findings of this committee were, but members put up a number of objections to this idea of collecting fees in the native reserves.

The two main objections were as follows. Firstly, that medical officers, dressers and dispensers, could not be expected to collect fees as well as dispense services. With this, of course, I heartily agree, and I never have suggested that the officers who are responsible for giving the medical attention should be made responsible also for the collection of fees. The second main objection put forward was that if the collection of fees was left in the hands of Africans it would inevitably lead to bribery, theft, and various other undesirable practices. This, I think, is rather an attitude of despair to which we should not pay too great attention. Abuses may indeed take

[Mr. Hopkins] place in the early stages, but they will be overcome just as they have been overcome in the case of African clerks collecting poll tax, local native council fees, tribute fees and such things. I agree too that there will probably be a number of difficulties to contend with, some of them trivial and some quite formidable, but I am sure they will not be insurmountable, and in my view it is worth the very greatest of trouble to convince the African that those who enjoy a service should make some personal contribution towards it. Above all, the collection of fees would enable an extension and improvement of medical services in the reserves to be made to an extent which will not be possible so long as these services are free and done at the expense of general revenue or of the revenue of local native councils. I understand from discussions with administrative officers that there are already certain local native councils who realize this fact and who would welcome some system of payment by the individual.

Care will, of course, be necessary to see that those who really could not afford to pay were not deprived of medical attention, and that those whose treatment would cover a long period were not required to pay daily. I presume also that notifiable diseases would have to be treated free. These and many other matters are, however, details which would have to be gone into in each district and decisions come to suit local conditions. There is ample evidence to show that the African has greater faith in medical attention for which he has to pay than that which he gets free, and this is borne out by the fact that when an African really thinks he is ill, so often he will travel long distances to mission hospitals or to private practitioners where he has to pay rather than go to some Government institution where medical attention is free. This point of view I think we can sympathize with, as we feel rather the same ourselves, and in any event if you pay for a service you can at any rate criticize it if it does not come up to the mark.

What I am trying to urge is that a start should be made in one or two of the more advanced native reserves in the collection of fees at dispensaries and at hospitals. These advanced reserves have in almost every case revenue officers

stationed in them, and I feel that it should be the duty of the revenue officer, after consulting with the medical authorities and the administration, to organize the collection of fees. Tens of thousands of people—I think I would probably be nearer the mark if I said hundreds of thousands of people—are treated annually at these dispensaries and hospitals in native reserves, and even a modest fee would produce money which would enable extension of services in the reserves far beyond what will be possible so long as we depend on general revenue and local native council revenue. I do believe that we have listened too long to protests that the collection of fees in the native reserves is impracticable. It has been found practicable in most countries in the world. When I first suggested a start should be made in towns I was told that it was quite impracticable—I am very pleased to see that it is now no longer considered so. I feel that the time is long overdue when a start should be made in collecting fees in the native reserves, even if at first we do make mistakes and meet with difficulties.

With this suggestion, sir, I beg to support the motion.

MR. PATEL: Mr. Chairman, I associate myself in congratulating the hon. member on his appointment as the Director of Medical Services. I welcomed his general statement about medical policy, and particularly I welcome it when he laid emphasis on the need for greater effort to provide medical services in this country. In particular, I welcome the statement for the need to train African doctors and African nurses in increasing number. So far I am very glad to learn all that, but there is one aspect of the medical service in this country to which I wish to direct the attention of this Council. This is one of the two votes, the second being the Education vote, in which the Indian community in Kenya has a standing grievance. This is one of the two votes which directly demonstrates certain inescapable conclusions which I would like to mention to this Council this morning.

Firstly, I will be able to show that in regard to medical services the position of the Indian community comes to the bottom—I am very glad to note that the position of the European community is very good in this connexion—that has been brought to the notice of this Council

[Mr. Patel] several times but without any result. I may point out to this Council that there is not yet, except at Nakuru, any Asian hospital built in this country. Even at Nakuru the Indian community built that and contributed pound for pound to the cost of building the Asian hospital there, and the Government then started running it. If I may point out to this Council only two items to show what the position is—items 142 and 144 on page 175, it will be immediately realized what I mean: Item 142 reads: Upkeep of Native Hospitals, £49,500; item 144, Upkeep of European Hospitals, £11,600. There is no need for upkeep of Asian hospitals because they do not exist. That is very clear. I know that there are Asian wards in the country attached to native civil hospitals and that beds in those Asian wards have been increased during the last few years, but that does not hide to any great extent the indifference which Government has shown towards the provision of Asian hospitals in this country.

I would like to say that in regard to this matter there is a great deal of indifference on the part of Government during the last quarter of a century. I can speak, I think, in a little stronger language to show that Government has failed completely in appreciating the legitimate needs of the Indian community in regard to medical services. This has been brought to the notice of Government during the last 15 years in every budget session practically, but without any appreciable effect. One feels inclined to come to the conclusion that unless the administration in this country is composed of all communities there will not be justice done in the manner it ought to be done to all the communities residing in this country. The more I watch these things the more I feel inclined to say that the Indian community does not receive in this matter a fair deal and is not treated as part of the Kenya population, and I would like also to suggest that the needs of the Indian community in this regard are either not studied or largely ignored.

I asked a question the other day of the hon. Member for Health and Local Government in regard to the report which was made by the Asian Hospital Committee which was appointed. I may say that it was only after great pressure

from the Indian side that something should be done in regard to hospital services, then and then only was that committee appointed. The reply which I received from the hon. member the other day, on 19th December, was this: That "The Government did not consider it necessary (a) to publish the Asian Hospital Committee Report in full but did publish in the Press in May, 1948, a statement containing its main recommendations. (b) The substance of these recommendations is—(i) that before any system of Hospital Insurance for the Asian community can be introduced the first essential is to provide additional accommodation to raise the number of beds for Asians in public hospitals in the Colony; (ii) that when reasonable progress with such a programme of hospital improvement and construction has been made by the Government, the Asian community should accept responsibility for the introduction of a scheme to finance and administer all Asian hospitals in the Colony, on the lines of the European Hospital Services Scheme. (c) The Government has accepted the Report in principle and is making progress with its hospital construction programme."

But there I join issue. There is no effort made to make any progress with the hospital construction programme. It is true that the beds have been increased in the Asian wards of the native hospitals.

I wish to say that it is this state of affairs in regard to the legitimate needs of the Indian community that is arousing the criticism of the failure of the administration to do things, I would like to say, scrupulously and impartially. That has not been done, and a state of affairs where the Administration does not do things scrupulously and impartially will not command confidence in a multi-racial society and it will, in my opinion, do great damage to the prestige of the Administration itself if there continue to be failures of this nature. This means, Sir, that the Asian community must now go to the Administration every day, in season and out of season, to bring this to their notice, otherwise no appreciable move will be made.

If I may be permitted to summarize the attitude of the Government in this matter, I would only like to say that there is indifference, delay and careless attention as a whole paid to the needs of

[Mr. Patel] the Indian community. This may sound a hard saying, but I am afraid unless matters are presented to the Government by expressing the complete feelings of the Indian community I shall not be doing my duty to the community at all. I would like to say that I do not desire in reply to these remarks of mine very pleasant explanations and excuses given, because that adds insult to injury. I have heard in this Council time and again pleasantly worded explanations and excuses. That not only has not satisfied me, but I have felt a greater grievance that the whole question is shelved merely by explanations and excuses. I would go further and say that in a situation like this I gave careful thought as to what I should do.

THE CHAIRMAN: You have reached your time limit, but I dare say the Committee will grant you indulgence for another minute.

MR. PATEL: As I said in the beginning, I welcome the statement on medical policy of the Director of Medical Services, the hon. mover, but I feel I have no alternative, in order to express my bitterness and resentment, than to vote against every motion which will be brought before this Council under this Head. That is the only way I think I can arouse the sleeping conscience of Government in this matter.

MR. COOKE: Mr. Chairman, I was very glad to hear my hon. friend the Director of Medical Services speak of medical service as a productive service, but I could not help reflecting that had my hon. friend the late distinguished Financial Secretary been here it might have had such an effect on him that he would have needed the professional attention of my hon. friend himself! I think my hon. friend the Member for Finance—I do not think he has got those views—would at any rate recognize that medical services are indirectly productive.

I do not want to cast any reflection on my hon. friend Mr. Patel. I do not approach these greater problems of this country in any racial spirit at all, and in any argument I am going to put up this morning I do not believe I am going to use the word European or advocate anything for Europeans.

The first point I would like to make is what I made last year: that is, if anything can be done with regard to a Papworth village settlement to deal with the alarming rate of tuberculosis in this country. I know all this trouble about finance and all that sort of thing, but Churchill, among many wise sayings, has said that great problems—referring to problems of this nature—do not get any better by being left alone, and it will be more and more difficult to tackle a problem like that as the years roll by.

There was another point which was mentioned in yesterday's East African Press, that Cyprus had had a very intensive campaign to do away with mosquitoes. That seems to me one of those constructive measures which the Development and Reconstruction Authority should make itself responsible for, and I would like to ask if my hon. friend will tell us if there is any contemplation of such a measure in Mombasa. I was very glad to hear my hon. friend the Member for Health and Local Government, refer to African doctors, but I think it must be acknowledged that this side of Council has got to take its responsibility for the present lack of African medical officers, because I was a member of this Council when Makerere was first inaugurated and the members on this side of the Council also, I think, were indifferent. Now I think there is a better spirit abroad. In those days the members on this side of Council took a very indifferent attitude towards Makerere, but if we had put all our heart and soul into the matter there would have been much more progress in so far as the medical side was concerned.

One point about the difficulty of getting medical officers. I could not agree more with what the hon. gentleman said, but I would put this aspect of the case before him, and it is one which I have obtained from conversations with some of the most prominent doctors in this country, that is, the advisability or the practicability of seconding doctors from the British health service. I am perfectly certain that idea has been given to my hon. friend opposite but I would like to know if any progress is going to be made in that direction.

There is one final point. I was glad to see a measure which I and others

[Mr. Cooke] advocated last year. It is Item 74, Almoner, the appointment of an almoner. I assume this almoner will go to the Rehabilitation Centre? I should like, as one who advocated this, to congratulate and thank Government for making that appointment which is a very necessary one. Sir, I beg to support.

MR. USHER: Mr. Chairman, I should be very grateful to the hon. Director of Medical Services if he could indicate in a rather more definite manner than he has been able to do so far what is the attitude of the Government in regard to the provision by local authorities—I am thinking now of municipal authorities—of maternity services to the Africans. The difficulty I am referring to is really a local one, and I am speaking now of Mombasa where we do provide such services on a limited scale. Quite naturally the pressure increases and we cannot quite see where it is going to end. There is a school of thought there which considers that such services are a matter for the central Government, there are others who take the opposite view, and I dare say that, if it were looked into carefully, perhaps the majority would take the view that they should provide such services, but that they would like to see some limitation, because it will involve expense which we cannot see the possibility of facing. I should be grateful therefore if a clearer indication could be given than has been given so far.

MR. OHANGA: Mr. Chairman, I should like to begin by associating myself most heartily with the kindly views which have been expressed about the maiden speech of the hon. Director of Medical Services. I myself was particularly impressed by the deliberate emphasis which he laid on the African need so far as medical services are concerned. It seemed to me that he was absolutely right because, while the public services remain, it seems to me that a very large proportion of the people of this country can find medical services in any way and wherever they like, because they can pay for it, and they know the people who can give the right type of treatment for the particular disease from which they may be suffering at any time.

It seemed to me that his remarks about the types of disease which are spread only by animal and insect agencies were

very congenial to my part of the country—that is the Lake area. I refer, of course, to the tsetse fly and the mosquito in particular. As is clear to all people here, the tsetse fly spreads sleeping sickness, and for many years this disease has been a scourge on the Nyanza population and it has taken a very heavy toll of human life for many years. As long ago as 1920 one of the very first British scientists to come into contact with this disease was a fellow called Dr. Felix Oswald, and it is very interesting to note some of his first impressions in a book which he wrote about that time, which he calls, "Alone in the Sleeping Sickness Country". It seems to me that sleeping sickness has been a scourge of the Nyanza population for time almost immemorial. He has some very interesting remarks about the situation. He feels first of all that perhaps sleeping sickness is to be found in that part of Kenya only because of a Biblical prophecy. It seems that it was prophesied by the prophets of old, particularly Isaiah, that Nyanza would be afflicted by this particular scourge. Commenting on that he goes on to say that, although it is possible to eradicate completely this disease in that part of Kenya, it may not be practicable for various reasons, and some of those reasons are interesting and I should like to mention them here now, just to find out whether anybody still holds the same opinions now as he did then.

The first one is natural immunity. He says the only way, and the best way, of eradicating this disease would be to allow the disease to go on until the people are immune naturally, because they would have had it so many times that they would eventually feel the scourge no more. The other one is interfering with the balance of nature, and that is that this disease goes on and kills as many people as would be reasonably allowed to die in order that nature might balance itself. He goes on again to say that it is quite practicable to eliminate the tsetse fly completely, but it might not be advisable because the tsetse fly is not the only animal or insect which lives in the jungles and bushes; and if somebody set out to destroy completely the natural life in these bushes and jungles it would not be the fly that would die only, but other creatures also which might be beneficial to people in some other way.



[Mr. Ohanga]

I should like to know if those are some of the reasons why no large-scale attack has been made on the tsetse fly in and around that area.

As I have said before in this Council, the South Nyanza population is suffering very badly from the scourge of sleeping sickness. Exactly what is being done to remedy the position is not quite clear to all: whether by inoculation or by having doctors going round to make sure the people are treated correctly we do not know. But the point is that it can be eradicated completely and it has not been eradicated. I should like to know why this has been going on for so long without any apparent improvement.

In the course of his speech I was very glad to hear the hon. Director of Medical Services say that we can improve on our medical services for Africans. We can, but we are held back by lack of finance and lack of personnel, particularly trained African personnel. It seems to me that this Colony has never been richer. For quite a number of years now we have been budgeting not for deficits but for surpluses, and if advantages of this kind cannot be taken to remove some lifelong handicaps of this kind, which undermine the vigour of human life, and which limit the output of humanity, what else would we use money for? At the moment a very drastic measure is being taken to try to make conditions in Nyanza better by means of soil conservation, and everybody is out and is very busy about it. A lot of improvement is being made in that way. It seems to me that we are in danger of gaining the whole world and losing our lives. Exactly the same measures should be taken in order to remove the diseases of man before the diseases of plants and of soil are removed. It is the man that will plant; it is the man that will improve all these conditions and he ought to receive first attention.

In connexion with the soil conservation work, I do not know if it has occurred to the Medical Department as to what exactly will be done in connexion with the numerous trenches that are now being dug all over the place when the long rains come, because mosquitoes only breed where water stands still, and when the long rains come there will be water standing all

round the villages. I do not know if there is a way of dealing with this matter in order to deal with the mosquito population, against malaria and so on.

The only other point I have is in connexion with dispensaries and hospitals. May I have one more minute?

THE CHAIRMAN: Time! But if you want another minute or two, finish off.

MR. OHANGA: I just want to mention a point in regard to dispensaries and hospitals. It has already been made clear to us that the dispensaries are a responsibility of the local government, the African local native councils. I should like to refer to one particular case in North Nyanza where a very large hospital has been put up at the expense of the local people, and I should like an assurance from Government that they will consider reimbursing North Nyanza Local Native Council completely over the hospital that has been put up, which actually is a responsibility of the Medical Department. I beg to support.

DR. RANA: Mr. Chairman, I rise first of all to join those hon. members who have paid tributes to the hon. Director of Medical Services for his maiden speech. I am very glad we have been able to get a Director who knows the country and who has been previously in the service of the Kenya Government. I think that, as far as the medical profession is concerned, it means a great deal if the officer who is to be in charge of the whole country knows something about the country, and that will save us, if not more, at least six months to one year which another man would have taken who knew nothing about Kenya.

I was very much impressed with the new programme, and I am encouraged that a new era as far as medical facilities are concerned in Kenya is dawning, and I would venture to make a few suggestions as regards the medical service.

Before I do that I would say that I share the views expressed by my colleague the hon. member Mr. Patel regarding the lack of facilities for the Asian community of this country, and I would plea with Government, although it is doing its best and I know it is not the fault of the hon. Director of Medical Services—probably our financial

[Dr Rana]

are responsible—that they will keep in view the provision of facilities for the Asian community, more particularly in Mombasa. I am not saying that because I happen to be resident there, but I have on the floor of this Council in the past five years stressed the point that Mombasa does not serve only the residents living there, but it is an international port, a port of great prominence to which seamen of all nationalities and race are brought, and the greater bulk of them are Asian. There are no facilities at all in the present hospital, which I think Government has accepted is really a disgrace to call it a native or Asian hospital. With those few remarks I would pass on the suggestions which I mentioned.

First of all, I welcome the idea of increasing the social and health services in this country. There is a great deal to do, but there is a saying in our country that an illiterate is just like a blind person and his dancer, because the blind person can never value what type of dance is going on. The same applies here. It is no good haphazardly increasing the health services. My view is that the African and the Asian who wants health must first of all have education. I do not say do not increase the health services, but at the same time, through education, bad methods of living can be improved by making the teaching of hygiene and so on compulsory in the schools, which is far better than having health visitors, sanitary inspectors and so on.

Secondly, as the world is changing so is the medical profession. More importance is given to the preventive than to the curative side, and I believe that the time has come when the sanitary side of the medical service should be separated from the curative side. It is no good amalgamating the health side—officers who have taken up their career as purely health officers—with the medical side. I should like to know from the hon. member how many bona fide doctors we have in the Kenya Government with the diploma of public health? I doubt if there are many. The result is they have to move from one district to another, one time as health officer, another time as doctor in charge of a hospital. I am not exaggerating, but if you take away a man who is really interested from the curative point of

view for two years, he will forget most of the prescriptions when he is acting as health officer. I think the time has come when the Colonial Office—I am not blaming the hon. Director of Medical Services—I think the whole colonial system is wrong. If my suggestion is considered feasible by them, it should be recommended to the Secretary of State that it is time this matter was seriously considered. That will save a lot of money, and also will save staff and the accusations being made against the Medical Department; we shall have two departments, and either one can be criticized or praised by itself.

The second side is that when the High Commission was appointed, I was very pleased, because I thought it would reduce our expenditure, but in this budget there is a big item, the insect-borne section, in which there are all sorts of people. It is a thing which could be easily put on the shoulders of the High Commission. After all said and done, it is research work and does not concern particularly Nairobi but the whole of East Africa. There should be one research laboratory for all the three territories, for it is no good Kenya acting alone. After all, yellow fever and T.B. are one and the same, and my submission is that a reduction could be made here on the research side and move it to the shoulders of the High Commission if they are able to bear that burden.

Thirdly, I have said on the floor of this Council a good deal with regard to tuberculosis, and I was promised three years ago that there would be one centre for treatment. This disease is taking a tremendous toll of life of all races, and I am afraid that if proper measures are not taken it will be a very serious menace to the future residents of this country.

With these few remarks I congratulate the hon. Director of Medical Services, and wish him the best of luck as far as his new programme is concerned. I hope that we shall be able to see as far as the Asian side is concerned, that during the time he is Director more hospitals will be erected both at Nairobi and in Mombasa.

MR. BLUNDELL: Mr. Chairman, like other hon. members on this side I should like to congratulate the hon. Director on his speech. I must confess that I did not

[Mr. Blundell] like it, because I see all the things I feared for under the Agricultural Head, the money for them being carried away and placed under the Medical Head. Apart from that, I listened with attention, and I should like to repeat my congratulations.

Speaking on one matter of medical staff, I hope that before any decisions are taken in this matter hon. members on this side will be consulted. I feel strongly that staff if possible should be engaged on contract terms, and at the same time most energetic steps taken to provide subsequent staff from our own boys in this country of all races. We are doing that in so far as Africans are concerned, and this brings me back in a rather surprising manner to my suggestion under the education vote, that we should seriously consider providing loans for training Europeans and Asians overseas so that eventually they can fill these posts. I feel this very strongly.

We are a young and rapidly growing colony to what many of us hope will be some form of nationhood, and what it must do is to provide doctors, technical experts, from among our own people. We are not rich enough to build universities and training hospitals so we should grasp the matter firmly and provide money so that the young people can go home, with proper conditions to ensure that we get them back again. I commend that to hon. members opposite. I was going to say hard hearted, but it would not do, hon. Financial Secretary and the hon. Member for Health and Local Government.

Mr. NATHOO: Mr. Chairman, there is only one aspect of the case that I would like to deal with, the remarks of the hon. Member for Health and Local Government regarding the shortage of medical personnel. I entirely agree with him when he says that we must not allow the standard to deteriorate, but may I appeal to him that when members of other communities are educated in England, that if Asians possess the same qualifications and degrees and in the initial stages have shown great promise in the betterment of their work they should be considered and they should be given the remuneration for all the work they do. At the moment, from my personal knowledge, I know there are one or two Asian medical officers in the department

who have taken their training in England, but the remuneration offered them was niggardly, so that unless something was done they will not continue in the department. While there is such a shortage of trained personnel, of qualified personnel from overseas, it is the duty of Government to see that in cases where exceptions have to be made they should be made, so that the services of these officers are retained and Asians with English degrees given sufficient remuneration in proportion to their expense in taking those degrees, and they do deserve special consideration. I beg to support.

Mr. JEREMIAH: Mr. Chairman, I also would like to congratulate the hon. Director of Medical Services on his most excellent speech, and especially for his statement with regard to the improvement of the medical services. We are very glad indeed that such improvement is emphasized. At the same time, I am only concerned with the Coast Province. Last year I mentioned the case of a whole district of the Tana River which is totally isolated at times, and which has no hospital at all. Such a place, I think, in the hon. member's expansion programme should be given priority, for it has very few dispensaries and no hospital. The nearest hospital is at Lamu, many miles away, or Malindi, which is 75 miles away. That would be all right provided there were no transport troubles which shut off the district for several months a year.

One thing I am frightened of is the introduction of fees in dispensaries or hospitals for Africans. If such a thing happens, especially in the Coast Province, the only person who will benefit will be the witch doctor. At present the people there are not very much interested in hospitals. They will go to an African doctor, and if they are asked to pay it will be to their detriment, because the African witch doctor who works in the native area will kill many people.

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

Mr. MATHU: Mr. Chairman, I should like, like other speakers, to congratulate the hon. Director of Medical Services who, I am sorry to say is not in the Chamber at present, for his very

[Mr. Mathu] excellent speech, and also for a most welcome outline of policy for his department in the future. In that respect I should like to stress some points that he raised, particularly that regarding the training of medical officers, particularly those of the African section.

It is true that we could not have a medical service programme, hospitals, dispensaries, health centres and so on, unless we had sufficient and well-trained men and women to run them, and I think it is on that point that we are all agreed. I should like to say that as far as doctors are concerned there is nothing good for the medical service, as far as the African doctors go, except the best, and I would like to suggest that Makerere and the Makerere medical diploma should not be the end of the training that we can provide for these African doctors. Like the hon. Member for Rift Valley I would not only plead for European and Asian medical men to be trained overseas, but all medical men should have university qualifications. The African definitely lags behind in this respect, and it is he, I think, who should be provided with better facilities for higher training in medicine in the universities overseas.

I say that because I do not think that we can afford to start the African on the very important profession of medicine with low standards. There must be very high standards and I say that the hon. Member for Rift Valley should at any rate in this case not look upon Makerere as the end of the training of African medical men, but they should be sent to the best British institutions where they can be trained and come back fully qualified with the confidence that they are not inferior to any other professional in that line. That, I feel, is extremely important.

The question of training women nurses and midwives was stressed by the hon. mover and I support this statement wholeheartedly. I should like to mention that we have to make the conditions upon which we train our women nurses and midwives extremely safe and congenial, because unless we do that we discourage schools, we discourage parents from sending their girls forward for training. Not only that, I think that the terms of service of these nurses, which

at the moment I think are very unattractive, should be looked into so that from the economic side as well we can induce these young educated girls to come forward for training.

The next point, sir, I would like to mention is the statement by the hon. the Director of Medical Services that emphasis should be placed, as far as policy is concerned, on social medicine. I do not disagree with him—I entirely support him—but I should like to say that we should not lose sight of the curative side of medicine which we still need and which we have in our hospitalization in this country. While I am on that point I should like to see the sanitation section of this department working more vigorously than it has done hitherto, and particularly in urban areas. Now surely disease knows no racial boundaries, and if one section of the community in an urban area is suffering from a communicable disease I do not see how the rest of the community, however they are situated, could be free from its movements. Therefore I feel, sir, that the sanitary conditions in urban areas should be thoroughly attacked, because I am not satisfied that the sanitation section is doing all they should to bring to the notice of citizens that this is a matter of vital importance and they must better the conditions under which they live.

The next point, sir, is the question of the spreading of tuberculosis. I raised this matter, as other hon. members in this Council, in a question, and suggested that there should be definitely a sanatorium to deal with this menace in this country. The answer was that an officer was investigating it, was compiling statistics and the rest of it, and that until the report is forthcoming Government would not yet decide as to whether to set up a sanatorium or not. I do not think we can wait for statistics on this matter. Tuberculosis exists. People are dying every week of tuberculosis, or every month. They are dying. We cannot afford to wait, and I, like the hon. Member for the Coast, or the hon. Member for the Eastern Area, Dr. Rana, would like to urge the Government to consider the urgency of this matter. It is very urgent, sir, and I would like to say that it is a matter which we cannot shelve. We must get on and establish a sanatorium. I do not mind whether it is territorial or inter-territorial, but all I want is a sanatorium

[Mr. Mathu] to deal with this menace. Recently, when I paid an official visit to the Kitui district, the Wakamba there were very strong about this. They made a very strong representation that even if no separate tuberculosis hospital could be set up in the district, at any rate a special wing or ward in that area should be provided specially for dealing with tuberculosis cases. Now it is a very important matter and I cannot overstress it.

Now I am glad to hear from the hon. Director of Medical Services that he is going to produce schemes, or propose schemes to improve the medical situation of all communities, particularly the African, in the settled areas. This is definitely a very welcome sign, because we feel that this matter has been neglected for a long time, and whether it is the local authority, the district council or committee, or what, something must be done so that we can get the inhabitants of these areas properly looked after from their health point of view.

The question of fees for medical attention in dispensaries and in hospitals, I do not want to go back into the history of the matter, but I would like to say that if Government is definitely determined to introduce the charging of fees to African patients this will definitely have unwanted repercussions on the community, and it will certainly discourage a large number of them from coming forward to receive medical attention because of the charging of fees. I appreciate that the hon. Director has made it as low as possible, ensuring that the fees will be low, everything will be low, that there will be voluntary payment and so on, but the fact remains that it is a principle that will perhaps discourage quite a number, and my hon. friend Mr. Jeremiah did mention the question of these witch doctors really having a good time. We must not encourage them to wreak havoc with the health of the community.

Sir, I beg to support.

MR. MATTHEWS: Mr. Chairman, I rise merely to say a few words in answer to remarks made by the hon. Member for Rift Valley. The hon. gentleman has referred to me as hard-hearted. I know that remark was made in the greatest good humour and I personally take no umbrage, but inasmuch as I find it pos-

sible to be soft-hearted only at the expense of the public purse I find that I have no option but to let that important organ degenerate into a mere pumping muscle.

He referred to the question of loans for students proceeding overseas. This matter has been examined very carefully by Government, and we find that if the applications for bursaries are any indication of the numbers involved—and I think they must be taken as a very fair indication—we should find ourselves not very far from now in time committed to a total sum of approximately £900,000. While I have every sympathy with the scheme which the hon. member has in mind, I feel that at the present time, with all the various commitments that we have against our resources, to tie up that enormous sum at this stage for higher education when we are finding some difficulty in providing sums necessary for the three "Rs" might be considered unjustifiable. Moreover, we can think of no satisfactory method whereby we can ensure that the persons who receive the benefit of these loans will in fact return to service in this country. There seems to be no guarantee that the students concerned, when they become qualified, will not be just as susceptible to the attractions of the United Kingdom as those persons who have been trained throughout in that country.

On a further point, on the question of the salaries and emoluments generally of medical officers, my hon. friend the Member for Health and Local Government has referred to this matter, and as Council is aware there is this very disturbing proposal before the Government. It is a matter of the most profound importance, and personally it causes me the greatest perturbation, and I think myself that no position on this question should be taken by Government without having the fullest discussion in this Council, and therefore before any decision is taken an opportunity will be given to this Council to express its opinion in the usual manner.

I beg to support.

MR. CHEMALLAN: Just a few remarks on this vote, with particular reference to the Rift Valley Province, both the African and settled areas. In the African areas the conditions of the

[Mr. Chemallan]—medical services are generally unsatisfactory, and I would point out that in the Baringo district as well as the West Suk district the hospitals at Kapenguria and Kabarnet are small, or rather too small, to cope with the rate of the sick who require admission. The Kapenguria hospital in particular is in a peculiar condition, because besides its being too small the store in which medicines and hospital equipment are kept is made of mud and thatch, and I do not think this is safe as far as the security of the medicines there is concerned.

DR. ANDERSON: May I ask the hon. member—I did not catch the name of the hospital?

THE CHAIRMAN: You have to catch the eye of the member who is in possession of the floor and induce him to give way before you are able to speak.

DR. ANDERSON: I am afraid I did not quite catch the name of the hospital to which the hon. member is referring.

MR. CHEMALLAN: Sir, the name of the hospital to which I am referring is Kapenguria in the West Suk District. I was saying that the store of the hospital in which medicines and equipment are kept is of mud and thatch and is not very safe in so far as the security of the medicines is concerned, and I hope Government will take an urgent view of this.

Another point which I would like to make is on the question of care of health services in backward areas, and I would ask Government to see that the care of health services in backward areas is not entirely left in the hands of the local native councils and to see that councils in those areas are encouraged to build dispensaries in their areas, and when the inhabitants cannot be near those dispensaries to see that dressers are provided to travel with medicines to visit the *manyattas* and those who are sick.

Mention has been made of a proposal to have Africans pay for medical services, but I would like to point out, and it must be clear to all of us, that in most cases the Africans in this country are still backward, and we are in the position of frankly encouraging them to make use of the medical services. If you were to go forward and ask them to pay for these services it would mean driving

them away from making use of the services. To me it seems the time to make Africans pay for medical treatment is premature, and I request Government to take this matter into consideration.

I come now to the question of the services in the settled areas. I was happy to hear the hon. member, the Director of Medical Services, mention that all was not well with these health services in the settled areas. This is a point that has been clear to most of us for many years, and I was glad to hear him say that it is time the district councils in the settled areas were encouraged to provide adequate services for the African employees. It is only in the townships where we have hospitals that these people get treatment, but these do not always treat the whole of the scattered African population on the farms. Dispensaries and maternity wards are very, very dilapidated and I should like to appeal to the farmers, for instance, that they should take a strong view of this, because I do not think they can always be in a position of keeping their labour long if they do not give them proper treatment when they are sick. In most cases where there are sick to-day they do not really get proper treatment.

Now, sir, one particular point. There is a strong complaint in the Eldoret area that the hospital there has no maternity ward, and the patients there are always mixed up with patients from the ordinary wards. I think it is too bad that such a big hospital like that has no maternity ward.

Another point. The Rumuruti hospital I found was really too small for the outlying district of Laikipia, and I remarked that the staff quarters were still of mud and thatch, and I would ask the hon. member to take an urgent view with regard to building adequate housing for the staff. In the Molo area, in the Elburgon and Njoro areas the medical services are very poor and I would point out to the hon. member that it is indeed desirable that dispensaries should be provided, and a common hospital should at least be provided for all those areas.

With these remarks I support the motion.

MR. ERSKINE: Mr. Chairman, listening to suggestions and complaints this side of Council and the description of diffi-

[Mr. Erskine] culities from the other side of the Council, it does appear very clear to me that none of us are satisfied with the health services at present working in this country. I recall a calculation that had been given to me some time ago, and that was that the cost of providing a real satisfactory health service in this country which would satisfy all members in this Committee and would result in the satisfying of all complaints would work out at £3 per head per year, which is £15-million a year. It would cost £15-million a year to satisfy everybody in regard to the health services of this country.

There are three ways normally of raising money for health services. There is the ordinary way of direct fees payable by the sick, then there is the ordinary democratic way of the rich paying for the poor, and in regard to health services in particular there is a third way, and that is the healthy, regardless of whether they are rich or poor, paying for the sick. It was only in 1909 or 1910 that this was recognized in Great Britain, that it was recognized the healthy should pay towards the sick, and a national health insurance scheme was created. I do not think that the average well man in Kenya would be prepared to pay for his sick brother, because sickness does not hold out those terrible fears for the people of Kenya that they hold out to people of Great Britain.

I do feel that though we cannot for a long time find the £15-million necessary to provide a complete health service for Kenya, yet we must try and awaken a sort of local patriotism in this regard, and I would like my hon. friend the Member for Finance to think again over the financial problem of sending very carefully selected people, boys, from Kenya to England to qualify and to come back here not only qualified but with a real sense of duty towards the sick people of this country.

I have omitted to say how much I enjoyed the remarks in the maiden speech of my hon. friend the Director of Medical Services. He covered the ground in a wonderful way, and I feel it is only fair to him that I should point out and repeat once again that there is a very, very large shortfall in this country in the amount of money that is available, and will be available for many years to come.

for him to achieve the object which I feel in his heart of hearts he would like to achieve in this country.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, the hon. Member for African Interests, Mr. Ohanga, suggested that not enough was being done in regard to sleeping sickness. I would just like to point out that quite a lot of money is being spent on trypanosomiasis work generally, both human sleeping sickness and trypanosomiasis. The hon. Member will see under the Development and Reconstruction Authority Head 11 that over £90,000 has been provided for expenditure on that particular subject. I also see under Head B, which we will be discussing shortly, that we contribute some £12,000-odd to the East African Central Organization. The general plan for co-ordinating the work on sleeping sickness and tsetse work generally is that we should have some direction from the interterritorial organization under Dr. Lester, and that each territory should have a committee dealing with the territorial aspect of both human sleeping sickness and animal trypanosomiasis. Kenya was the first colony to establish such a committee, which I have been presiding over for the last two years or more, and I can assure the hon. gentleman that not only is a great deal of work being done but that we do work very closely together—that is to say the medical and veterinary departments—in this very important matter.

MR. PRESTON: Mr. Chairman, notwithstanding all that has been said to-day against paying for hospital or medical services, I would very much like to associate myself with the hon. Member for Aberdare on the principle that people must contribute something, however small, towards their social services, but having heard the objections raised towards the direct payment of fees it might possibly be worthy of consideration by Government to consider a compulsory insurance scheme for all races. This will, I think, have the advantage of not driving people away from the hospitals, as has been suggested by some of the hon. members, because it has been shown that, with the National Health Insurance in England to-day, contrary to driving people away, they have been very much encouraged to seek medical treatment. I cannot subscribe to the theory that the

[Mr. Preston] payment of a fee to a doctor or hospital would throw the Africans into the arms of the witch doctors, because I am not aware that witch doctors practise without a fee, but I would commend to Government the idea of compulsory insurance for all races.

I beg to support, sir.

MAJOR KEYSER: Mr. Chairman, in listening to this debate it does strike me that we are setting ourselves an impossible task. We are trying to create a healthy state amongst the people by merely looking at the whole subject in the terms of money, hospitals, beds. I do think that the time has arrived when far greater stress should be put on the individual's effort in trying to keep the health of the state in a better condition than it is to-day. As the hon. Member for Nairobi South said, if we are going to produce all the services that are required to-day, if we deal in terms of doctors and beds and hospitals, we are not going to have sufficient money to do it with, so why go on year after year talking in those terms? Surely the time has arrived when we should really consider some form of preventive medicines. If it is going to be education let us do it through education. I do not mean academic education, I mean teaching the people how to live decently.

The hon. Member for the Coast mentioned the great scourge of tuberculosis. Surely the manner in which people live in stuffy huts with no ventilation produces conditions which are conducive to the spread of tuberculosis. This is a subject that I have spoken on in this vein for three years, and I find it very discouraging that year after year we go on talking about the spending of money and we do not concentrate on probably what is the cheapest and most effective method of dealing with diseases in this country.

I should like to join with others in congratulating the hon. Director of Medical Services on his maiden speech. I first came across the hon. Member when he was doing a helminthic malarial survey among labour on farms, and I was greatly interested in the work he was doing. It struck me then how much of the work that was to be put into removing internal parasites from patients could be avoided and an enormous amount of

money saved if only people were taught how to cook their food and how to resort to ordinary sanitary methods of life, and I do think we really must bring a little bit of sanity into the whole of our outlook on these social problems. Let us get down to teaching the people how to live, and then we need not worry the life out of the poor hon. Financial Secretary every time we discuss this particular subject.

SIR CHARLES MORTIMER: Mr. Chairman, I welcome the many constructive proposals put forward by hon. members. No doubt they appreciate that very much of what they said is going to cost more money than has to be provided from somewhere.

I warmly welcome the remarks made, particularly by the last speaker, on the necessity for what is now called social medicine. I have been hammering at this myself in budget debates for the last four years, and I hope that we are on the eve of making very considerable progress along that line. Unless we can induce the people of this country, and I speak now of the five and a quarter million Africans chiefly and the 100,000 Asians, many of whom have only rather primitive ideas of health measures which they can take for themselves, unless we can persuade them to carry out the ordinary simple methods of sanitation, the proper cooking of food, and the rest, we shall never get anywhere in providing a healthy population for this country and that, I think, must be our first insistence all through our medical system.

The hon. Director laid a great stress on this point in his opening speech, and I am sure that will be the policy during his term of office that will actuate the Medical Department throughout. That is a policy aimed at in the establishment of our health centres which have been in our medical programme for the last three or four years, but so far we have not made much progress, though I suggest that we are on the eve of getting real achievement on these lines.

One or two hon. members have recommended sending home aspiring youths for medical training and bringing them back to this country equipped to render service to the community from which they came. That is a very welcome suggestion and will be, of course, carried out as opportunity offers, but, as hon.

[Sir Charles Mortimer] members have already been reminded, once a young man has taken his medical degree there is no assurance that he is coming back here to practise. The world is his oyster and he can go anywhere he likes. That will not get us very far in dealing with our major health problems which lie among the great African community in which we live.

There is no hope, as I have said before, of providing anything like an adequate medical service for the African community unless it is by the co-operation of the Africans themselves—(hear, hear)—in the way of trained African medical officers, trained African medical orderlies, trained African nurses, and that is where our concentration should lie. The present provision is hopelessly inadequate so far as African medical officers is concerned. Makerere, even with its new and enlarged programme, can produce for the whole of East Africa 20 medical officers a year. Supposing Kenya gets six of these. It will take us about 60 years to reach up to our needs in the present situation, provided two things: first, that the population does not increase and, secondly, that all these medical officers that are coming out of Makerere during these 60 years live for the whole of the 60 years, neither of which supposition is in the least degree probable.

The African population is multiplying at a considerable rate, no one knows the exact figure, but I estimate not far off 2 per cent. That means the population will double in 30 years. It is a rather alarming thought, and one to which I think not sufficient attention has been given. The other assumption is, of course, quite out of the realms of possibility. You see, therefore, that it is hopeless to rely on Makerere providing African medical officers in anything like adequate numbers in any period of time that we need take into account.

Where, then, are our efforts to be concentrated? My proposal has been all along that we should concentrate on training our own subordinate medical staff to get out into the districts and into the homes of the people to teach elementary hygiene, to teach methods of cooking food, which will eliminate the parasites that too often get into the blood system. That is the kind of thing on

which we should concentrate, and there lies our probable hope of providing an adequate medical service for the people and creating what all hope to see, a healthy population.

The hon. Member for Nyanza suggested a compulsory insurance scheme for all races. That is an ideal at which we might aim after a great many generations have gone past. I would remind the hon. member that it has taken Great Britain many centuries to reach their present stage, and even now they can ill afford that which is having to be extracted from the taxpayers of the country for providing the insurance scheme under which they are now operating.

DR. ANDERSON: Mr. Chairman, I should like in replying to this debate to first of all thank the hon. Member for Health and Local Government and hon. members opposite for the very kind things they have said about me personally and my early efforts to speak in this Council.

In reply to the hon. Member for Aberdare on the question of fees for Africans, I have heard his well-reasoned arguments, and also the arguments on the other side brought forward by some of the hon. African members. This is a very big question which it is quite impossible to deal with in the time at my disposal. All I would say at this stage is that the matter will be further investigated, and meanwhile we are definitely committed to trying the two methods of raising payment from the well-to-do members of the African community which I have outlined.

The hon. Member for Eastern Area, Mr. Patel, raised the question of the slowness of this Government in building hospitals for Asians. Nobody would like more than I to see more progress in this direction. I am quite sure that we all realize that hospitalization for the Asian community is lagging seriously behind, but energetic action, really energetic action, is being taken in this matter at present, and the plans have reached a fairly advanced stage for an Indian hospital in Nairobi and an Indian hospital in Mombasa. Unfortunately, at the planning stage the whole process of planning and quantity surveying and so forth takes inevitably a very long time, and there will still be a delay before the foundations of these two institutions are

[Dr. Anderson] laid. But I can assure the hon. member that the plans which have been drawn up for these two hospitals will provide for buildings for the Asian community which I am quite sure will bear favourable comparison with hospitals in India.

The hon. Member for the Coast, as well as several other members, raised the question of tuberculosis and our policy towards this disease. I am afraid that this again is a very big question which I could talk about at very great length. Obviously this is impossible, and all I can say at this stage is that we have under very active consideration a policy for the active control of tuberculosis. Briefly, it will comprise a certain amount of domiciliary control as well as hospital or sanatorium treatment of certain cases which are in the curable stage.

The hon. member also mentioned the eradication of malaria which has been accomplished in Cyprus. That is a very remarkable achievement, but it is made very much easier by the fact that Cyprus is an island, and therefore once eradication has been carried out it is a comparatively easy matter to prevent its re-introduction. That is for obvious reasons very much more difficult in this country, but it is a subject which is exercising the minds of malariaologists and others as to whether eradication on a large scale is capable of being put into practice in certain areas in a country such as this. The question of eradication at Mombasa was raised. That, again, is a difficult question because eradication on the island is insufficient unless adequate steps are taken also on the mainland.

The hon. Member for Mombasa raised the question of maternity services for Africans in Mombasa. I have already dealt with the general question earlier this morning. All I would say at this stage is that I have not yet personally investigated the question at Mombasa, but I should like to see it generally accepted that local authorities should, in municipalities and settled areas, accept responsibility for African maternity services in exactly the same way as they have been accepted by local authorities in the native areas.

The hon. member Mr. Ohanga mentioned sleeping sickness, and I think this has been adequately dealt with by my

hon. friend the Member for Agriculture. I should like just to say this, that on the medical side we are actively engaged at present in survey work and the treatment of actual cases in this area. With regard to developing immunity in sleeping sickness, I am afraid this is not a practical measure for the control of this disease.

On the question of trenches holding water and causing malaria, I am afraid I do not know the answer, but I am quite sure the medical representatives on the spot have taken adequate steps to see that no danger to public health arises.

As regards the Bungoma dispensary which he referred to, again I do not know the full answer to the question of the financing of this, but we were under the impression that the local native council was financing it. I suggest that if he wants further information it would be best if he would approach the provincial commissioner direct.

The hon. Member for Eastern Area, Dr. Rana, mentioned that education should be devoted towards the teaching of personal hygiene. That is one of the chief objects of the health centres which we hope to institute in the near future. He also suggested that there should be a separation between the medical and the sanitary, or public health, services in the Medical Department. Now, in a service such as ours this idea would not be in the realm of practical politics, because every medical officer who is in charge of the medical work in a district combines in his person the two functions of medical officer in charge of the hospital—that is to say, he is responsible for curative services—and he is also gazetted as medical officer of health, and therefore is responsible for the health services. So that, quite apart from other considerations, unless the service was duplicated, it would not, I think, be practicable.

He also suggested that the Insect-borne Diseases Division should be taken over by the High Commission. Well, that is really a matter of administration. Somebody has got to do this work and even if the High Commission were to take it over, this country would still have to pay for the service. But as the chief part of their work is in the control of local diseases it would seem to me to

[Dr. Anderson]

be very much better that the whole of the activities of this division should be under our control at any rate for the present.

The hon. Member for Central Area, Mr. Nathoo, raised the question of the remuneration of Asian doctors and medical officers. This has very recently been dealt with by the Salaries Commission Report and I am afraid that there is nothing that I can say just at the moment regarding any increase in the salary scales.

The hon. member Mr. Jeremiah raised the question of medical services in the Tana River area. It is our intention, if funds can be provided, to build a small hospital in this area, probably at Kipini, and plans to that end are under consideration at present.

The hon. member Mr. Mathu mentioned African doctors and said that only the best is good enough. Well, I naturally agree with what the hon. member has said, but I think there is another alternative to sending African doctors for training in England, and that is to improve the educational facilities at the medical school at Makerere to the stage where education there will be up to European standards. There are very considerable advantages in training African doctors in East Africa rather than sending them to England, and one of these is that the problems they deal with at their training school at Makerere are very similar to the problems which they will meet in the field when they come out after qualification. If they were to take their training in England, where conditions are very different, there would have to be a period of adjustment for them before they could fully understand and deal with local problems.

The hon. member also mentioned that we must not lose sight of the importance of curative services. Well, I fully appreciate that and I entirely agree with him. The reason why I have emphasized the preventive services in the course of this debate is that at present they lag so far behind the curative services, to which the greater part of our resources have been devoted. He also mentioned the question of tuberculosis, which I have already dealt with briefly.

The hon. member Mr. Chemallan mentioned medical services in the backward

areas and certain hospitals such as Kabarnet, Kapenguria and Rumuruti, which may be below standard. I personally have not had an opportunity yet of visiting these hospitals, but I hope to do so in the very near future, but I can inform him that plans are in hand to improve the Kapenguria Hospital in the very near future. He also mentioned the provision of a maternity ward for Eldoret, and I entirely agree with him that some provision for this service must be made without any further delay, and I am taking steps to see that that will be carried out.

The hon. Member for Nairobi South—I think there is nothing for me to reply to there, except that I agree with everything he said and I thank him for his remarks.

The hon. Member for Nyanza—I think his suggestion of compulsory insurance has already been answered by the hon. Member for Health and Local Government.

Finally, the hon. Member for Trans Nzoia has put very clearly in summary form exactly the sentiments and the policy which I have been endeavouring to bring to the notice of this Council. Perhaps in my original speech I did not adequately emphasize the fact that one of the most important functions of our new health centres will be the teaching of personal hygiene and the improvement of health in every possible way. This we will try to do, with the aid of all the methods of propaganda which are now available to us.

MR. PATEL: Mr. Chairman, I should like to make two observations arising out of certain speeches I have heard. In the first place, I notice that the hon. Member for Trans Nzoia showed a certain amount of impatience, and even rebuke, at the demand for increased expenditure in this vote expressed by members on this side of Council. I may say that, if my constituents—the 100,000 Indians of this country—had *per capita* half the scale of facilities which the constituents of the hon. member—the 30,000 Europeans—have, I would have viewed also this problem with the same unperturbed satisfaction. But unfortunately that position does not exist, and therefore the spirit in which the Indian members view this problem is necessarily different

[Mr. Patel]

from that of the hon. Member for Trans Nzoia.

I am very glad to hear from the hon. Director of Medical Services that the two Asian hospitals in Mombasa and Nairobi have reached the planning stage. To be very precise, I heard 24 years and 6 months back, in a public meeting called by the District Commissioner of Mombasa, that the Asian wing of the group hospital would be built in Mombasa within a short period. That is very precise—24 years and 6 months, in a public meeting of citizens of Mombasa. I hope that we will not have to wait for a further long period before the foundations of these Asian hospitals in Mombasa and Nairobi are laid. I am very much afraid that when Government has any problem at the planning stage or if they say a thing is under active consideration it simply means that the papers are lost and they are looking for them! (Laughter.) I hope that the planning stage does not mean the same thing—that they are actively considering this question. I hope that we will hear before the next budget session that the foundations in Mombasa and Nairobi for the Asian hospitals have been laid. Therefore I cannot dissuade myself from the position of voting against every motion under this head in order to express my great anxiety and resentment.

MR. RANKINE: Mr. Chairman, in view of the remarks which have been made about the Mombasa Hospital I feel it necessary to sound a note of caution. It is easy, of course, to make sarcastic remarks in this Council about matters which are at the planning stage and to suggest that Government has no intention of carrying them out. I would merely like to bring the difficulties to the attention of the Council. It is true that the two hospitals to which reference has been made are at the planning stage. One of the difficulties which we are trying to overcome at that stage is that the demands which are being made by the communities concerned and, with all due deference, by the members concerned—and quite rightly so—far and away exceed the funds which are at the disposal of the Development and Reconstruction Authority for carrying out the project. In fact, what they want is going to cost at least double the

amount that I have at my disposal for carrying them out. If any hon. members have suggestions to make, practical suggestions, which would enable me to carry out twice as much as can be done with half as much I should be glad to hear them and it would greatly facilitate the laying of the foundation stones.

MR. MATHU: Mr. Chairman, on the subject of training African doctors overseas I must, in deference to my hon. friend, disagree with him. We have urged that local youths, irrespective of race, I think, should receive training overseas. My hon. friend the Member for Rift Valley has urged that European and Asian youths should be trained overseas for medical work. They are local; they are going to work, presumably, some of them, among African patients. What difference does it make? It is a question of standard that I am dealing with, not because I want people to go overseas. I feel, sir, at this stage some at least of Africans should qualify overseas. We have not got one man, not one male African qualified overseas in medicine. I am not suggesting all African doctors should be trained overseas, far from it, but if my hon. friend thinks not even a few should qualify overseas I shall disagree with him.

I have met African doctors from the West Coast, from Nigeria, the Gold Coast and Sierra Leone, who have qualified at Edinburgh, London and other British universities, and who have gone back to work among their own people and actually occupy high posts in the medical service in the West Coast of Africa. I have met African doctors in the Union of South Africa, in Basutoland. I have seen them work there, and they are not less efficient because they are working among Africans there and because they have been trained overseas. The standard among these doctors in the Union of South Africa and in Basutoland which I have seen is extremely high, and the confidence these men have, because they feel they have qualified as any other doctor in the world, has done a world of good in promoting the health of the people in South Africa and in West Africa. On that point, sir, I entirely disagree, and we shall press as hard as we can that some at least of our men should qualify in the medical schools in the United Kingdom and elsewhere; that to start with at any rate the majority will

[Mr. Mathu] definitely have to be trained locally in Makerere and in other places we are not disputing. But that fact, sir, I feel most strongly, and I should like to place it on record.

I hope the hon. member will not forget my remarks about sanitary conditions in urban areas.

MAJOR KEYSER: Mr. Chairman, I have often in the past in this Council been astounded at the way disinterested remarks have been given racial bias, and never have I been more astounded, sir, than I was this morning when my remarks were twisted to appear as though they did have some racial interest in them. I do not think that if we are going to continue twisting and turning round every disinterested remark that is made in this Council into a racial issue we are really going to further the interests of this Colony to the extent that we should as a responsible body. But since the hon. member Mr. Patel has twisted this into a racial issue I should like to say that in my constituency the people who have got a fairly high standard of hospitalization have achieved it through self-help, and I would suggest that he put that suggestion to his own constituency if they want to achieve the same degree of medical service that I have in my constituency.

MR. NATHOO: Mr. Chairman, arising out of the remarks of the hon. Director of Medical Services, I must place on record my dissatisfaction at the answer given to the point I raised. New factors have arisen which require extra consideration from Government on the position of the number of doctors coming forward, and if that position has arisen surely it is logical to ask that the same consideration be given to the doctors of other races who will be in the same position as the doctors who are at present British doctors coming from overseas. To say that the whole thing has been given a salary revision is, to say it very bluntly, just evading the issue.

On the other point, I am very glad that the hon. Member for Development has made the position quite clear. Why not say in the first instance that there is no money and no hospitals can be provided? Why give a sop to one member to say it is under planning, and then another member gets up and says there

is no money. If there is no money you must say so. Say there is no money and they are not going to get it.

MR. RANKINE: I did not say there was no money. What I did say was there was not sufficient money to provide what people want, and we are trying at the moment to reconcile the two.

MR. VASEY: Mr. Chairman, I did not intend to intervene in this debate—something which I think, sir, members would naturally understand. I cannot, however, let what I think is the misunderstanding of my hon. friend the Member for African Interests, Mr. Mathu, of the remarks of my hon. friend the Member for Rift Valley go by. I think, if I remember rightly when I heard the hon. Member for Rift Valley, all that he suggested was that in so far as the European and Asian youths were concerned loans might be granted to those people or to their parents in order to enable them to be educated overseas and qualified. He did not, I think, suggest that they should be, as it were, subsidized. I think that is the first point. He did not in any case refer in any way to African doctors.

I think no member of this Council could pretend for one moment that the medical problem in this country can be solved particularly in so far as the African areas are concerned, unless we can obtain a number of qualified African doctors, but I think it is fair to say that my friend the hon. Member for Rift Valley did not imagine that many African doctors could not be found who should be educated by loan. Rather I think that we may have, in the case of the African, to go a little bit further than in the case of the European and the Asian, and I would not like what I think is a misunderstanding of the remarks of the hon. Member for Rift Valley to go unchallenged.

DR. RANA: From the few words said by the hon. Member for Development and Reconstruction I understood, if I am not wrong, that due to the demands of the community the costs have risen. I would like to know who are those members of the community who particularly approached him and wanted extraordinary huge hospitals. I was one of the members of the Asian Hospital Committee who asked for a number of beds, and whatever the suggestions were they

[Dr. Rana] were made here. Last year members of the Government visited Mombasa. I was invited, and in most of the cases the suggestions were made by the medical officer in charge of the native hospitals. That is what I remembered—I may be wrong. No particular demands of any extravagance have been made, nor was it their intention to make them. If Government feels that the cost is too much they should only feel that if there are empty places, but I really cannot understand it, because all over the Colony the cost of building is coming down.

On the other hand, from remarks the hon. Member has made it appears the Government's costs are increasing. On our side I for one would say that if there is any misunderstanding in what he has been informed of by the officials concerned as to our community, we are quite willing to see him and put our suggestions in a very reasonable and very moderate way. We are not asking for any special do luxe hospital in any particular period which will in any way make him uncomfortable as far as the hospital in Mombasa is concerned. If there is any matter he would like to raise regarding Mombasa hospital I shall be only too pleased to come and discuss the matter.

MR. PATEL: On a point of explanation, when I referred to the remarks made by the hon. Member for Trans Nzoia I meant to infer that when a facility was provided for the European community finance did not obstruct it or no undue delay took place, but in the case of the Indian community finances are put forward as an obstruction and invariable delay has taken place, and if in order to show my point of view comparison is made and that is taken as raising a racial issue I am afraid then racial issues will have to be raised for the purpose of obtaining the objectives the Indian community has before it for obtaining hospitals in this country.

MR. RANKINE: I do not want there to be misunderstanding regarding Mombasa Hospital. Not at any discussion with individuals has anybody made demands for excessive standards. It is merely this—what I am advised is necessary cannot be provided with the funds that are at my disposal for the purpose. If the

sums were increased I should only be too happy to do what is asked.

MR. JEREMIAH: Mr. Chairman, when the hon. Director of Medical Services replied about the Tana River last year the same excuse was put forward that provided funds were available the hospital would be built, and the same excuse appears again. I maintain that there used to be a hospital there; I understand that the building is still there and could still be used. Could the hon. Director please consider seeing that that hospital is re-staffed, because it was closed during the last war and before that it was used as a hospital. Perhaps he would consider sending some staff there at least for the time being.

The question that items 1 to 25 be approved was put and carried.

On motion made by DR. ANDERSON and question put items 26 to 131 were approved.

DR. ANDERSON moved: That Head 44, items 132 to 155, be approved.

The question was put and carried on a division by 30 votes to 5. Ayes: Messrs. Anderson, Blundell, Cavendish-Bentinck, Chermallan, Cooke, Davies, Deverell, Erskine, Gillett, Havelock, Hobson, Hope-Jones, Hopkins, Hyde-Clarke, Jeremiah, Keyser, Maconochie-Welwood, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patrick, Preston, Rankine, Rhodes, Mousley, Usher, Vasey, 30. Noes: Messrs. Madan, Nathoo, Patel, Pritam, Rana, 5.

DR. ANDERSON: Mr. Chairman, I beg to move: That items 156 to 166 be approved.

The question was put and carried.

DR. ANDERSON: Mr. Chairman, I beg to move: That items 167 to 171 be approved.

MR. BLUNDELL: Mr. Chairman, I beg to move the deletion of item 167, one nutritional officer. We have had so many stresses throughout the debate on this budget on the lack of money that we must observe with the greatest care any what I would call posts in the way of frills. I am certain that the hon. Director of Medical Services will argue a good case for a nutritional officer, but I submit that at this stage in the development of the Colony there are many other things we can put the money into. Here

[Mr. Blundell] are some of them at any rate under this actual head. It would give us two more European doctors, four more European nursing sisters, or five African doctors, 16 African hospital assistants, 15 African midwives—and in case the hon. member Mr. Patel is feeling slightly out of this—five Asian dental officers. It would also, on another head altogether, enable us to provide the equivalent in loans for overseas education a sum nearly equal to that apportioned at the moment for European bursaries or Asian bursaries.

THE CHAIRMAN: The hon. member is getting a great deal out of order in moving the deletion of a nutritional officer and raising a large number of other matters which have nothing to do with the nutritional officer, as far as I can see.

MR. BLUNDELL: I accept your rebuke, sir, I was only trying to give hon. members opposite a conception of the value of the money they were putting into this officer in other terms. I moved the deletion because I do not think we need this officer. I do not know whether he has been put in here at the instance of somebody overseas, or what, but at any rate the African in his ordinary society before we came here had a very good conception of the nutritive properties of most of the food he ate. Witness among one of the African tribes certain spinaches that were kept in reserve for use by their women who were pregnant. It would appear that the spinach in question carries a large proportion of iron.

If the idea is that this officer will devote his energies and attention to those in the towns I should have thought his work could largely be got out of books which have been written on nutrition generally. I do not really think that anybody living in Nairobi can be different nutritionally from one living in London. I also do feel—and I want to stress it again—that there are so many things we want money for that I do not think we want a nutritional officer. I should have said that there were 20, even 100, priorities ahead of this.

I beg to move the deletion of item 167.

DR. RANA: Mr. Chairman, I only want to say that, if the hon. Member for Rift Valley had suggested the deletion, to save

time, all the items coming under this, I would have supported it very much.

MR. BLUNDELL: On a point of explanation, I understood that your ruling was that we could not do that, I was adopting the well-known formula that if you chop off the head the body will fall to the ground. (Laughter.)

DR. RANA: Mr. Chairman, I am quite satisfied with the explanation. I support the hon. member in all he said. I think that at this stage when we do so badly so many other services there is no need for a nutritional officer. Though the hon. member did not agree to my proposals regarding various other schemes I will certainly oppose any new things which are going to be created which can be very usefully utilized in some other form.

MR. MATHU: I should like to congratulate the hon. Member for Rift Valley for raising this matter, and I support him. I think the laboratory section is all we want. The biochemist can give us the results of research on what food to eat, if we have it, but I do not think it is necessary to have this item and I think it should be deleted. I think it is really superfluous. We can get the service by using the establishments existing in the department without creating another section.

I support the motion.

SIR CHARLES MORTIMER: Mr. Chairman, I personally should be very sorry to see this item deleted. (MR. BLUNDELL: Naturally!) It has been put in after very serious consideration. (MR. BLUNDELL: Jeanes School.) I have no doubt hon. members will recollect that the Development Sub-committee which dealt with this group of subjects made a recommendation to the Development Committee that there should be established a nutrition board with a fairly full establishment of officers, which would have been much more expensive than the modest proposal now put forward. The Development Committee accepted that recommendation and embodied it in its report as one of the matters of urgency, and they gave it a fairly good priority in their schedule that this nutrition board should be established with its full complement of officers. The question has been raised two or three times since the Development Committee report was published. It has hitherto not been possible to

[Sir Charles Mortimer] accept the proposals even in their modest form.

It has been stressed from time to time that nutrition is a very valuable item in the whole subject of health policy. We know very little about the nutritional problems of Kenya. It has been said rightly that the African in his original state did know quite a good deal, by practical conclusions, of what was good for him in the way of food, European civilization coming into this Colony has disturbed that balance of food consumption and of food values. The African has in many cases been brought up on a mealy-meal diet, and it is certainly not good, but the natural spinaches and other natural vegetable foods on which the African used to rely for obtaining a balanced diet have disappeared very largely in many of the African areas because of the drive for increased production of other kinds of crops. I think I am right in saying that that has had a deleterious effect upon the African health as a whole.

It is true that the biochemist working at the Medical Laboratory has done a good deal of work on this subject of nutrition. We feel that the time has come when an officer should be set apart to study this question of nutrition as part of our whole positive health service on which so much stress has already been rightly laid. Unless we have an officer set apart we shall still go on groping in the dark and be without competent advice on this very important question.

I do trust that hon. members will think very seriously before accepting this motion for chopping off the head of this very modest section.

MR. RANKINE moved: That the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose, at 12.45 p.m. and adjourned till 9.30 a.m. on Friday, 13th January, 1950.

#### Friday, 13th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Friday, 13th January, 1950.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 12th January, 1950, were confirmed.

#### NOTICE OF MOTION

MR. O'CONNOR gave notice of the following motion:

That a select committee be appointed to consider the Immigration (Control) (Amendment No. 2) Regulations, 1949, and the Immigration (Control) (Exemption) (Amendment) Regulations, 1949.

#### ORAL ANSWERS TO QUESTIONS

##### No. 87—CHANGE OF USER RENTALS

MR. HAVELOCK:

(a) Is Government aware that residential development on the outskirts of Nairobi is being hampered owing to the indecision regarding the rate of change of user rentals to be applied to residential plots?

(b) If it is inconvenient to Government to convene immediately the Executive Council Committee which was appointed to consider this subject will Government appoint an *ad hoc* committee or a select committee of this house with the same terms of reference so that some finality may be reached in the immediate future?

SIR CHARLES MORTIMER: (a) It has recently been brought to Government's notice that the delay in reviewing the policy in regard to change of user rentals is in fact operating to retard subdivision of land for residential purposes. Government regrets the delay which has been occasioned by preoccupation with other important matters. (b) In the circumstances Government is prepared to appoint an *ad hoc* committee to deal with this question and any question ancillary thereto immediately (should it be the wish of this Council).



## No. 92.—POULTRY INDUSTRY

MR. BLUNDELL:

1. Will Government state what steps are being taken to encourage the poultry industry of the Colony, and in particular towards (a) the encouragement of poultry laying trials and (b) the provision of advice to poultry producers from specially qualified officers?

2. Is Government aware that difficulty is being experienced in expanding the poultry industry due to the problem of disposing of standard eggs and seasonal gluts?

3. If the answer is in the affirmative will Government state whether consideration has been given to frozen liquid egg export?

MAJOR CAVENDISH-BENTINCK: Government appreciates the importance of encouraging the poultry industry of the Colony and an application is being made for a grant from the Colonial Development and Welfare Fund to extend the activities of the Naivasha Experimental Station by setting up a pig and poultry improvement scheme for carrying out experimental work on the breeding, feeding and management of sheep, pigs and poultry together with the establishment of stud flocks of these livestock.

(a) in order to achieve their object poultry laying trials must be carried out at one disease free centre under official control. Such conditions will, it is hoped, be provided at the Naivasha Experimental Station where it is proposed to conduct these trials.

(b) The Government has been in correspondence with the Minister of Agriculture in the Union of South Africa on the question of obtaining the best possible advice on the development of the poultry industry in Kenya, and as a result arrangements have been made for Professor Coles, the well-known poultry expert from Onderstepoort, to visit Kenya shortly for this purpose.

2. The answer is in the affirmative.

3. The Government considers that possibly the establishment of a frozen liquid egg industry offers the most suitable means of dealing with the seasonal surplus of eggs, and is considering the provision of the necessary facilities at the proposed central factory abattoir. The advice of Professor Cole will be sought

specifically on this matter.

MR. BLUNDELL: Mr. Speaker, arising out of that answer, will the hon. member give me an assurance that steps will be taken to institute some form of grading both for export and local sales in order to build up a price structure which will encourage better birds? Also, will the hon. member tell me whether consideration has been given to the running of poultry trials by the Royal Agricultural Society? And, lastly, could the hon. member give me an assurance that consideration will be given to the establishment of the post of poultry officer in order to encourage the industry?

MAJOR CAVENDISH-BENTINCK: Mr. Speaker, as regards the grading of poultry, the matter has been considered on more than one occasion. The difficulty is to ascertain whether the public will pay the increased prices for better birds. In the past they have not done so.

Regarding the second part of the question, that matter is under discussion.

As regards the third part, it is a matter I myself discussed with my colleague the hon. Financial Secretary.

MR. BLUNDELL: Arising out of the answer to the first question, I take it that the hon. member cannot give me the assurance that he will take into active consideration the establishment of grades for better birds?

MAJOR CAVENDISH-BENTINCK: Active consideration yes, but not more at present.

## No. 95.—RINDERPEST

MR. CHEMALLAN:

Will Government please state what steps they have in mind to take to check the infection of wild rinderpest which is widespread among cattle in the Masai extra provincial district in particular and which is attributed to wild game?

MAJOR CAVENDISH-BENTINCK: Rinderpest cannot at present be said to be widespread in the Masai district. Incidence of this disease was high some time ago in the Matapatu Section and in the Kaputei Section between Emali and Simba, in the Eastern Masai District. In the Western Masai District the incidence of the disease has been low and mainly confined to calves. Throughout Masai only two small outbreaks occurred in the month of November and none since.

[Major Cavendish-Bentinck]

Rinderpest, as is usual in the case of any outbreak, has been transmitted to susceptible game animals, but with the effective control of incidence of this disease in cattle in these areas the disease is dying out to a very large extent in game animals.

Government is satisfied that its policy of giving annual prophylactic inoculations in districts where there are susceptible cattle has proved and is proving effective in reducing incidence of rinderpest in the Masai Reserve. In this connexion I would add that the northern part of the Eastern Masai District has been inoculated during the last month and this prophylactic campaign is being extended southwards.

MR. BLUNDELL: Mr. Speaker, do I gather from the hon. member's reply that he is of the opinion that rinderpest is now under control throughout the country?

MAJOR CAVENDISH-BENTINCK: The answer is in the affirmative so far as one can ever establish control over this disease under present conditions. But I would add that I am a little concerned at recent reports from Kabete to the effect that the demand for vaccine has fallen to what I consider a very dangerous level, showing that many owners of grade cattle have again become overconfident and that many are not taking reasonable precautions to protect their herds.

## THE MUNICIPALITIES (AMENDMENT) BILL

IN COMMITTEE

MR. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider the Municipalities (Amendment) Bill clause by clause.

SIR CHARLES MORTIMER seconded.

The question was put and carried. Council in committee.

Clause 1.

MR. O'CONNOR moved: That the clause be amended by adding at the end thereof the words "and shall be deemed to have come into effect on the first day of January, 1950", and by adding to the marginal note the words "and commencement".

The question was put and carried.

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

Clause 2.

MR. O'CONNOR moved: That the clause be amended by substituting for the word "Dominions" in (f), (k), (i) the words "dominions or under His Majesty's protection or in which His Majesty has jurisdiction".

The question of the amendment was put and carried.

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

Clause 4.

MR. O'CONNOR moved: That the clause be amended by adding at the end of the new proviso the words "or the power of the Council to revoke such by-laws".

The question of the amendment was put and carried.

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

MR. O'CONNOR moved: That the Bill be reported back to Council with amendment.

Council resumed, and the report was adopted.

THIRD READING

MR. O'CONNOR 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.

## COMMITTEE OF SUPPLY

ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950.

It had been proposed: That Head 44, Medical Department, items 167 to 171, be approved.

MR. BLUNDELL had moved: That item 167 be omitted.

MR. HYDE-CLARKE: Sir, I am most reluctant to prolong this debate, but I feel I must rise to oppose this particular motion. I am going to be as brief as possible and confine my remarks to four points, which I hope will be given due consideration if and when we come to a decision on this question.

[Mr. Hyde-Clarke]

The first point is that this is not a new post. That may not have been fully appreciated. The work of the nutritional officer has, in fact, been going on for a very long time, and I am particularly concerned with it in my capacity as Labour Commissioner. I have no doubt that my colleague, the Director of Medical Services, will in fact pursue that particular point.

My second point is that I regard the position of a nutritional officer as an absolute key position in agricultural planning. In a very brilliant speech made by my hon. and worthy friend the Member for Rift Valley, we heard a very long and interesting proposition that there was insufficient or inadequate or improper agricultural planning in this country, and I warmly supported him when I spoke later in a debate on my own Head. It has been very, very evident to my knowledge that without some clear and helpful advice and guidance in this matter of nutrition agricultural planning must lack a vital link. Everyone must remember in 1943 we had to discharge a great amount of labour because there was insufficient food to go round. That is the first point of agricultural planning, but unless we know what ought to be grown from the point of view of the community I suggest it is like a ship without a rudder if you have huge departments—the Agricultural Department and Research, the Veterinary Department and Research—all worrying about what is going to be put into the earth, if you are not worrying at the same time, and as exactly as to what should be put into the mouths of the people on the land.

The third point, one that I do not think anyone will deny, is that malnutrition is rife in the country. I would say especially so in the urban areas and in the native land units; it is less so, generally speaking, among employed labour in rural areas. I do not think anyone will deny time and again that we have had meetings at which farmers have said that one of the great advantages of labour coming out to work is they will be properly fed for the first time. It is also a fact that quite often farmers complain they have to feed up their labour for the first two or three months before they can get a really decent output. The point was also made by my

colleague, the hon. Deputy Chief Secretary, that malnutrition was one of several factors governing lack of output to-day.

The fourth point which I am making very shortly is that if we are really honest in our endeavours to cope with this scourge of tuberculosis, we must accept the fact that the co-parent of bad living conditions is malnutrition. In other words, that it is quite useless to try and cope with tuberculosis unless at the same time we have sufficient knowledge to deal with malnutrition. I hope very much that this officer and his functions will not be removed from the estimates of the Colony. I do believe that it is an essential function of social medicine, which I thought had general support in the sense that there should be a proper study of nutritional aspects. I even go so far as to say that, if we are going to talk about agricultural planning, if we are going to talk about social medicine and all those things, and not have a nutritional officer, we shall deserve the reputation of Kipling's famous village—"the village that voted the earth was flat".

Sir, I beg to oppose.

DR. ANDERSON: Mr. Chairman, I think that the motion which has been proposed by the hon. Member for Rift Valley has been based on a misunderstanding of the facts and the purposes for which we propose this post should be created.

Nutrition is one of the most important items in the programme for social medicine and promoting health services, which I endeavoured to outline earlier in the debate, and which I understood from the remarks of hon. members opposite had their full support. I did not specifically mention the question of nutrition in my opening speech, because I was dealing with general questions and one cannot possibly discuss all the details. But malnutrition is widespread throughout this country and is one of our biggest public health problems which face us at the present time. Besides an actual shortage of food or malnutrition due to seasonal failures of crops and so on, there is a multitude of what we call deficiency diseases due to the lack of certain factors in the diet.

Many of these diseases or ailments in this country have not been properly

[Dr. Anderson]

investigated and are not fully understood, and therefore the measures which can be taken to combat them cannot be applied because they are not properly known. One of the first of these diseases is a disease which is sometimes known as malignant malnutrition and sometimes known as "kwashiokor". It is a disease which affects to a very great extent the native children of this country, and is particularly common in the Kikuyu country and the tribes allied to the Kikuyu. It is an extremely severe and serious disease and causes a very high infant mortality. We know also from our experience in the army—and I am quite sure that the hon. member who proposed this motion can bear me out from his own army experience (MR. BLUNDELL: Yes, they ate oranges.)—that when we provide proper food for the African the gain in health and well-being is very great indeed. That is a fact which has been proved by experiment during the war.

What is required in connexion with malnutrition are more basic facts, and there is no greater fallacy than to believe that facts gained in another environment and in another country and fact gleaned from text-books, as the hon. member has said, can be applied without very careful control and very careful investigation to a new field. Our proposal is that the officer who is at present serving under the title of biochemist, who has been here in this country for over 27 years, should be given this new post. He is perhaps the only officer who has been concerned with the subject of nutrition during his service here, but the time that he has been able to give to this subject has been very small, because his main duty is concerned with the biochemical analysis of specimens submitted from the Nairobi hospitals to his laboratory and from other hospitals throughout the country and has nothing whatever to do with nutrition. It would almost be true to say that most of his work has had to be done in his spare time—his work on nutrition.

I perhaps should mention at this stage that he is not a medical man concerned with clinical work, and therefore it does not mean removing a doctor from clinical work and putting him on to other duties. The proposal is that if this post can be created we should engage a biochemist

who would do the routine work, and allow the officer I have mentioned to devote the whole of his time to work in connexion with nutrition and particular work in the field which is so badly needed and which has not been possible up to the present time. I would ask hon. members before they vote for this motion to give very careful thought and not to throw a heavy spanner into the works, and not to make our task in the future of promoting health services more difficult.

SIR CHARLES MORTIMER: Mr. Chairman, I fully appreciate the anxiety of hon. members when they see a new division being established or proposals put forward to that end, and their fears that this new division will rapidly begin to expand and absorb a very much greater part of the next year's and the year after's budget than at present envisaged. My hon. friend the Director of Medical Services and I have given serious thought to this subject since the motion now under discussion was proposed, and I have now to place before hon. members a proposal which I think will go far to allay their anxieties and yet will enable us to reserve this officer whom we regard as an essential key man in our social medicine programme. That is that instead of chopping off the head of this division we chop off the body—

MR. BLUNDELL: And embalm the head!

SIR CHARLES MORTIMER: No, no. As this is the Medical Department we are talking about and with the great advances in technique in the modern surgery we propose to transform the head into a limb and attach it to another body.

MR. BLUNDELL: Who is supposed to do this—the nutritional officer?

SIR CHARLES MORTIMER: Yes. He would then by administrative action be transferred to juxtaposition with the biochemist, item 106, and the risk of setting up a new sub-department and the possibility of expansion would be eliminated. For the reasons advanced by my hon. friends on this side, which I consider quite convincing, I do earnestly ask hon. members to review their position and to consider whether they would not agree either to withdrawing the present motion or to voting against it, and then we on this side will be pre-

[Sir Charles Mortimer]

pared to accept motions for the elimination of further items amounting to £920 in that divisional sub-head.

DR. RANA: Mr. Chairman, I have been following the debate on this controversial motion, and I have listened this morning with very great interest to the speech given by the hon. Dr. Hyde-Clarke—(Laughter.)

THE CHAIRMAN: I would point out that it is quite out of order to refer to an hon. member by name directly.

DR. RANA: I could not keep to the post, sir, so I apologize for it! Sir, I have been very carefully listening to the speeches of the hon. members on the opposite side, and I must openly say that there is no question as far as the need for nutrition is concerned. I do not think the hon. mover of this motion wanted us to do anything on nutrition or any of the members on this side. We know of the lack of nutrition, we know the causes of tuberculosis, how it is brought about, but I am sorry to say I have completely failed to understand how this new post which is being created is going to remove the causes of malnutrition. Everybody knows more depends upon the lack of education and the economic question, but appointing an officer does not mean that the African or Asian or even some Europeans are going to get better bread or meat or vegetables.

I feel that at the present stage when we are just initiating the new system the job he is going to fill, it will be a very preliminary demonstration in which the diagrams of vitamins and all sorts of things, such as one sees in baby and health shows, can easily be done by sanitary inspectors, health officers and health visitors, and I fail to see the necessity for a nutritional officer unless it is to keep one more post for the biochemist who has served for 20 years and give him another job. I say that this post is not going to serve a very great purpose, and I submit that Government for the time being should keep this post in abeyance and let us see how the health centres and other paraphernalia will work. With these few words I am sorry to point out to the Member for Health and Local Government, who has given us an explanation how to do this wonderful operation of removing the body and

keeping the head, that up to now I have not read any article or seen any operation in which a person with no body can have only a head! But, as he said, only a limb is going to be left, and I fail to be convinced of the argument, and I hope that Government will give consideration to this.

MR. BLUNDELL: I just want to keep Council five minutes in winding up the debate on the motion which I put. I did warn hon. members that when I moved this we should have hundreds of reasons why this post should be kept. We have had them. It is not a question of the reasons for the post, it is a question of priorities. In my view there is so much better use for the money. The hon. Member for Health and Local Government said the Development Committee recommended this. They may have done. When the Development Committee made their report they were under the impression that we had lots of money. What are the facts? We have about £32-million worth of demands on £20-million of money, so we have no money in effect, or about half of what we want. He also made a tremendous point about the change in the agricultural methods of Africans towards cash crops. If that is so, well the Director of Agriculture should encourage such things as the planting of lettuce, spinach and oranges in the African reserves. It does not need a nutritional expert to tell you, you can read it in a book. He made a solemn point that this estimate had been put in the budget after very due consideration. I would draw hon. members' attention to the 16 night watchmen at the Jeanes School. They were in the budget after very tremendous consideration.

One other point. I do feel strongly that it is no good pushing good food into Africans if they are riddled with parasitococci, and I must confess I do feel that the first step is on the lines of the hon. Member for Trans Nzoia's speech yesterday—more hygiene, more education, more teaching how to keep clean. The hon. Director of Medical Services mentioned the army. Well, I have some knowledge of this subject—I commanded a battalion where there was a serious outbreak of scurvy. I did not have any nutritional experts about; I fed the men on oranges and strained the yeast from beer and fed them that.

[Mr. Blundell]

The scurvy vanished. I am quite happy to have a nutritional expert, but I do say that at this stage in our needs we know what we want. Good wood is good wood anywhere and half our trouble with our Africans—and I see someone has thoughtfully put some photos on the table here—is that the poor creatures are not properly fed. That is the answer and nothing else.

MR. RANKINE: Mr. Chairman, I feel that we all appreciate the reasons why this motion has been put and the arguments made in support of it. They are, in fact, designed to effect an economy. I have no wish to try and claim to be a highly qualified doctor or enter into arguments as to whether a head can survive without limbs, without a body. I merely want to put the point in a slightly different manner and that is, is this motion really designed to achieve its object, to effect an economy? What we are trying to do here with a nutritional officer is to make a serious and scientific study of the factors which are to be taken into consideration in orienting, first of all, our attack on disease in order to get better health and, secondly, to assist us in orienting our policy for agriculture, in deciding how that should be best designed in order to promote the health of the people. Nobody would deny that there are very serious nutritional diseases in the country. My hon. friend the Director of Medical Services has given illustrations, particularly among the Kikuyu, and I suggest that the best way of dealing with that is to make a serious study of it and try and orient our policies accordingly, our policies with regard to preventive medicine, and of course agriculture, and all connected subjects.

It may be true that you can get a great knowledge of this subject by studying books. It is true that all medical officers have to know a good deal about nutrition. The same applies to agricultural officers or administrative officers for that matter. What I suggest is that it is a very much better way of doing it by detailing one officer to make a proper study of it, rather than letting everybody be a jack of all trades and do it in their spare time, or with their other subjects. I suggest seriously that if we do it that way we are going back

to the old days of amateurism which has not got us very far, and that if we have one expert and he does his job it may save in the end a large number of medical officers, and that that is a very much better economy than to have a large number of medical officers who do it in connexion with their other jobs, and probably not nearly as efficiently as it would be done by one officer. Therefore, sir, I would oppose the motion and I hope that hon. members opposite will recognize that having this officer detailed for the job to make a scientific study of it, is, in the end, an economy and not an extravagance.

MR. COOKE: I feel, having listened to my hon. friend, that if there is anything in his argument—and I am sure there is a great deal in the argument—this particular officer should be one of the High Commission officers, and therefore they should share the expense. I would therefore suggest this item be withdrawn and the possibility of the High Commission undertaking this work should be considered. After all, the African in Uganda and Tanganyika does not differ all that from the African in Kenya.

MR. RANKINE: We are extremely grateful for the constructive suggestion made by the hon. Member for the Coast. The only difficulty about that is that hon. members opposite, much earlier in this debate, expressed very strong opposition to any extension of the High Commission, and the High Commission Standing Finance Committee, I believe, has also expressed strong views against taking on additional services at the present time. I certainly would be happy to have the matter investigated with the High Commission, but I think I ought to remind hon. members of those views which have been expressed earlier. It, in fact, as a result of them there is no reason why this officer should not be taken on to the High Commission, well then we should be glad to discuss it with the High Commission, but I would suggest that the post should be left in our estimates, and we would give an undertaking that we would take it up with the High Commission, and if they agree to take it on their establishment we will try and see that that is done.

MR. BLUNDELL: Mr. Chairman, I would not like there to be a misappre-

[Mr. Blundell] The hon. Member for the Coast. What we feel on this side is quite simple. If hon. members opposite are so sold on this post, let them investigate whether the High Commission will accept part of the commitment. We are not committed, and even if the High Commission is permitted to accept it it does not mean we will finally approve.

MAJOR KEYSER: Would the hon. Chief Secretary tell us this. There is a vote in the High Commission's estimates under the head East African Bureau in Medicine and Hygiene. Why could not that department which already exists in the High Commission carry out this work without any great increase in expenditure?

MR. RANKINE: My answer to that immediately, without consulting the High Commission, is that obviously the High Commission could not take on this work without the post on their establishment.

MAJOR KEYSER: Could he tell us whether that post does not exist already? We have helminthologists and a few other people.

MR. MATHU: Just one remark, to say personally I do not think that even if we keep this post that the malnutrition and other diseases due to bad feeding among the Kikuyu and allied tribes and other people would be stopped. The whole question is this, that the malnutrition existing among some of these people, not all, is merely due to ignorance and lack of education, mainly due to shortage of land on which to grow some of the desirable crops, but nothing to do with the nutritional officer, and I do not think a nutritional officer would produce these things. I suggest that the section of biochemistry in the Medical Department at the moment can continue to do this work, but I personally have not been convinced by all the arguments put forward for retaining the post of nutritional officer, because I do not think he is going to solve anything. There are other ways of doing it, and this money could be well spent by producing two qualified doctors a year, instead of spending it on one person who is not going to change anything in the direction suggested, and I therefore support the motion moved by the hon. Member for Rift Valley.

MR. COOKE: May I suggest that the motion be now put?

The question of the amendment was put and carried on a division by 18 votes to 16: Ayes, Messrs. Blundell, Chemallan, Cooke, Erskine, Havelock, Hopkins, Jeremiah, Keyser, Maconochie-Welwood, Madan, Mathu, Ohanga, Preston, Pritam, Rana, Mousley, Usher, Vasey, 18; Noes, Messrs. Anderson, Cavendish-Bentineck, Davies, Deverell, Gillett, Hobson, Hope-Jones, Hyde-Clarke, Matthews, Mortimer, O'Connor, Padley, Patrick, Rankine, Rhodes, Thornley, 16.

MR. BLUNDELL: Mr. Chairman, I wish to move the deletion of further items. As item 167 has fallen by the wayside, and in order to expedite the business of the Council, with your permission, I should like to move the deletion of items 168, 169, 170 and 171.

MR. VASEY: On a point of order, will they not have to be put separately?

THE CHAIRMAN: Strictly, yes.

MR. BLUNDELL: I did say with your permission, sir.

THE CHAIRMAN: I cannot see any objection. Either you cut the lot or you leave them all in.

SIR CHARLES MORTIMER: To save the time of the Committee, on behalf of the Government I would accept the deletion of those items.

#### Head 44A—Medical Department Extraordinary

\*DR. ANDERSON: Mr. Chairman, I beg to move: That Head 44A, items 1 to 5, be approved.

MR. OHANGA: Mr. Chairman, might I inquire what the sum under item 3 will be allocated for, which stations are to be provided with X-ray apparatus?

DR. ANDERSON: It is intended to provide X-ray apparatus at Kisumu.

The question was put and carried.

#### Heads 45 and 45A—Miscellaneous Services

SIR CHARLES MORTIMER: Mr. Chairman, I beg to move: That Head 45, Health and Local Government, Miscellaneous Services, be approved.

[Sir Charles Mortimer]

There is a new item there, Grants to Township Accounts. We are endeavouring to establish township accounts in a few of the major townships of the country, and where such accounts are established, these grants from the Government exchequer are statutory and largely cover the amount that it has cost Government to run these townships in the past. It is an important move forward in urban self government and one that I am sure will have the approval of all hon. members.

MR. BLUNDELL: Item 3: In view of the previous debate, might I ask the hon. Member for Health and Local Government for an assurance that the courses of instruction in England will contain some matter on nutrition? (Laughter.)

MR. USHER: Item 1: There is no letter to indicate that the previous provision was inadequate, and it is after all an increase of about 250 per cent. Could we have an explanation, please?

MR. MATTHEWS: Mr. Chairman, in reply to the hon. Member for Mombasa, the position is not that there are more destitute persons dying, but is due to the fact that I think for the last two years Government has been in negotiation with the municipality on the question of the cost of burying a destitute person. It has now been demonstrated to the satisfaction of Government that this cost has very much increased, and inasmuch as it is the responsibility of Government to reimburse this charge it is therefore necessary to make provision for the increased cost, which has now been accepted as correct.

SIR CHARLES MORTIMER: Adding to what my hon. friend has just said, I would make it quite clear to Council that we have no intention of spending this money if there are no destitute people who require burial! (Laughter.) In reply to the hon. Member for Rift Valley, I am glad to note his anxiety about nutritional advice and tuition and so on, and I think we might be prepared, if it would have the support of hon. members, to add to this amount in order to make sure that the nutritional instruction is in fact given! (Laughter.)

MR. COOKE: On a question of explanation, I hope the succinctness of my

hon. friend this morning will not be attributed to his sitting beside me for the first time. (Laughter.)

The question was put and carried.

SIR CHARLES MORTIMER moved: That Head 45A, Miscellaneous Services Extraordinary, be approved.

The question was put and carried.

#### Heads 46 and 46A—Mines and Geological Department

MR. HOPE-JONES: Mr. Chairman, I beg to move: That Head 46, items 1 to 25, be approved.

I do not propose to detain hon. members very long on this matter, except for one point which I wish to make. Speaking as the last of the litter, and in the words of Lord Harverson, I feel it necessary to say that in connexion with the department under my control a very considerable amount of progress has been made this year. Hon. members will remember that a year ago, while we all agreed that a geological survey was of the greatest possible importance to the future economic development of this country, a good deal of doubt was expressed as to the recruitment of fully qualified geologists. Well, during the course of this year we have managed to get an additional three geologists, and the fourth will be arriving shortly. By the end of this year, 1950, we hope to be up to establishment. Hon. members will remember that I promised to search the world for geologists. During the course of the last few months, dating from my visit to the United States, we have been able to get the promise of the services of three American geologists under the Marshall Aid Programme. They will come to us at the expense of the E.C.A. authorities and will be available to strengthen our geologists.

During the last year we have had one disappointment. We did think we had found what might become a prime mover in the Northern Frontier District. However, the deposit was very small. On the other hand, private enterprise at the present moment is drilling for coal near Mackinnon Road. We are also investigating a report that there may be coal somewhere up in the Northern Frontier District. However, I would not wish to mislead hon. members and suggest that we have found these very valuable

[Mr. Hope-Jones]

minerals. What I would say is that we have indications that in one case commercial enterprise has found worth while to investigate, and in the other we have had a report which we are investigating forthwith.

I still apologize for the fact that more money is not being spent on the geological side. It is the best investment this Colony can make, second only to the investment in the soil and water resources of this country. It is money well spent, and with those few words and with willingness to answer any questions that hon. members may wish to raise, I beg to move.

MR. BLUNDELL: Mr. Chairman, I should like to ask the hon. Member for Commerce and Industry when he replies whether he could make a statement on his attitude to prospecting for such things as diamonds. I am thinking of the case of an applicant who thinks he knows where there are diamonds in this Colony, and he made an application in November, 1946, and was told that the matter, quite properly, I think, was under consideration by His Majesty's Secretary of State for the Colonies, and although he was still pressing his claim in March, 1948—that is about 16 months later—there was still no reply from the Secretary of State. I have not pursued that matter further, but I think it would help the public generally if the hon. member opposite could just give us an outline of what is the policy of Government towards prospecting of such valuable minerals as diamonds.

MR. MATHU: Mr. Chairman, I know there has been African interest in the mining of gold, in particular in the Kericho district and some parts of Nyanza, and I was wondering whether the hon. Member knows of these cases and whether he would encourage Africans to participate in this matter.

MR. HOPE-JONES: Mr. Chairman, replying to the hon. Member for Rift Valley first, the attitude of Government towards private prospecting for minerals, such as diamonds, and indeed other precious metals, I think was clearly expressed when I moved the second reading of the Diamond Industry (Protection) Bill, when I made it very clear that it was the policy of Govern-

ment to encourage by every possible legitimate means prospecting for every conceivable kind of mineral by private means, and the facilities of the Mines and Geological Department are behind those individuals.

On this question of diamonds I admit there has been some difficulty there. I have looked into the matter only yesterday, as another hon. Member raised a similar point. It is quite true what the hon. Member for Rift Valley has said, there has been some slight difficulty. The difficulty in connexion with diamonds is that they are highly valuable things; there is such a thing as illicit diamond buying. As you will remember, a Bill was introduced in connexion with this matter about nine or ten months ago, and at the moment my hon. friend the Attorney General is assisting the Commissioner of Mines and Geology to draw up rules under which it will be possible for proper safeguards to be provided for private individuals prospecting for diamonds. I hope they will be finalized in the very near future. I can only apologize for the delay in this matter.

On the point raised by the hon. Member for African Interests, Mr. Mathu, we have got Africans already actually mining for gold and crushing the ore. One individual, who is I think known to my hon. friend, has in fact been dollying the ore and he is at the present time putting in a small mill, so that he will be able to recover gold from the ore in a more orthodox manner. I think it is true to say that in this instance and in one or two others the Mines and Geological Department have extended every facility. The general attitude of Government towards the mining of gold by Africans is that we wish to encourage them, just as we wish to encourage everybody else, always provided they can comply with the provisions of the law. I think that really answers my hon. friend's question, at least I hope it does. I would only say we are anxious to help in every way possible.

MR. BLUNDELL: May I ask the hon. Attorney General to give me an assurance that the rules mentioned by the hon. Member for Commerce and Industry will be expedited?

MR. O'CONNOR: Yes.

MR. MATHU: Would the hon. member give an assurance that in regard to Africans complying with the provisions of the law the difficulty that a prospecting miner must have a knowledge of English will be overcome in some way, as the more enterprising ones know no English?

MR. HOPE-JONES: I do not think that in a genuine case that difficulty will be allowed to stand in the way.

The question was put and carried.

MR. HOPE-JONES moved: That Head 46A, Mining and Geological Department Extraordinary, be approved.

The question was put and carried.

*Part B—Contributions to Cost of High Commission Services*

MR. MATTHEWS: Mr. Chairman, I beg to move: That Part B, Contributions to the Cost of High Commission Services, items 1 to 27, be approved.

This is a poly-item Head, because it contains subjects and items which pertain to a number of different members of this Government. If there are any questions which hon. members wish to ask in regard to a particular item I am sure that the members concerned will do their best to answer them. I must, however, presume to remind Council that these members are not directly responsible for these subjects. Moreover, the estimates now before us have, in fact, been debated in the full Central Assembly and were, of course, considered in detail by the Estimates Committee of that Central Assembly. In other words, the draft estimates now before this Council constitute the approved estimates of the Central Assembly.

The overall net increase over 1949 is something over £200,000. On the face of it that would appear to be a very considerable increase, but there are one or two explanations which Council should have on this subject and which, I think, will reduce the formidable nature of that figure. It will be noticed, for instance, that the Customs and Excise Department is a new item. Previously the cost of that department was contained in the Colony's budget. This year it has been removed, and we have gained to that extent, but that expenditure now finds a place in Part B. That accounts for about £149,000 of the £200,000 increase. Then again, the High Commission had this year to make

full provision for salaries revision, which hitherto had not been made, and which accounts for a considerable part of the increase and was, of course, inevitable. Normal increments are another item. When we come to item 26 (ii), I shall move a reduction of that item by an amount of something over £10,000. That will assist in reducing again this formidable total. In fact, the amount covered by these explanations is more than £200,000, but there are certain reductions which make up that net difference.

Under the individual items, part of the increase disclosed is due to the fact that in previous years certain common services like passages, posts and telephones payments, pensions, and so on were all lumped together under a miscellaneous item. This year those charges have been separated out and shown against the individual heads in the Central Assembly estimates. Hon. members will notice that correspondingly Miscellaneous Services, item 23, has been substantially reduced. It may be asked, why should it not disappear altogether if these debits are separated out? The answer is that the small residuary amount represents sinking fund and interest charges on loans, which does not pertain to any particular department.

Regarding items 22, 23, 24 and 25, in common with other hon. members on this side I will do my best to answer any questions which may be asked in respect thereof. There is, however, one point I should like to make at this stage, and it is an important point. Item 25, the Income Tax Department. It will be remembered that here and elsewhere there has been a great deal of criticism of this department in relation to the level of collections, and I undertook in the budget debate to go into this question as soon as possible and do what I could to assist in improving matters.

I have, as you see to-day and as promised, introduced the Commissioner of Income Tax, so that any detailed information hon. members felt it desirable to have may be forthcoming to the best of his ability. In the meantime, I have had anxious discussions with the Commissioner on the question of collections, and with him have come to the conclusion that because of two factors we are likely to get this year substantially

[Mr. Matthews] more income tax than the revenue estimate shows. I base that view on the rapid acceleration of collections in the closing months of last year (due to measures taken in the course of the year), and also to the fact that of the 12 extra revenue officers sanctioned for the department we have great expectation—in fact, we are virtually certain of getting not less than six trained and experienced officers from the United Kingdom, which will I think make a very substantial difference.

Possibly this is not the place or the time to debate the matter I have raised, but I thought it of such great importance that this Council should be aware of the position at the earliest possible moment. I am also satisfied that on the information available at the time, and with the data he had to work on, the estimate prepared by the Commissioner of Income Tax and placed in our estimates was in fact the best that could have been achieved at that time.

*Council adjourned at 11 a.m. and resumed at 11.20 a.m.*

MAJOR KEYSER: Mr. Chairman, there are only one or two small points that I should like to raise under this motion.

The first is, would it be possible to tell us on what basis the contributions to the High Commission from the various territories are made? On page 5 of the draft estimates for the High Commission, we get Item 10, East African Desert Locust Survey. The Government of Kenya contributes £16,000, the Government of Tanganyika £8,000 and the Government of Uganda £8,000. The Government of Kenya contributes just as much as the other two territories together. That is just one instance of what I am referring to. I should have thought that the basis of contribution would be either population or area or some specific factor of that sort, but, on looking at the actual figures, it is difficult to tell what the factors are on which the contributions are based, and the totals show that Kenya contributes £380,000, Tanganyika £251,000, and Uganda £206,000. I do know that the expenditure is based on the actual receipts that each territory receives, so that one is an easy one. But the question of the Desert Locust Survey I am afraid I do not quite understand.

The other point I would like to refer to is the question of income tax, and I see that the other side have been very well and suitably reinforced for this question. The hon. mover did refer to an increase in the vote on Income Tax.

MR. MATTHEWS: Not the vote, sir, the collection.

MAJOR KEYSER: I thought he referred to the increase in expenditure and this would lead to greater collection because you would have greater staff. You would have more staff—that is expenditure.

MR. MATTHEWS: My point, sir, was that the amount that we expect to collect in 1950, the yield at the present rate of income tax, will be substantially above what was actually in the revenue estimates. That was my point.

MAJOR KEYSER: Yes, sir, that was his point, but he did also refer to an increase in staff, and there is anyhow in the estimates an increase in the vote for income tax. What I am trying to get at is that I do hope that the increase in expenditure of the Income Tax Department is, in this coming year, going to lead to a very much greater collection than in the past. There was an increase in 1948, the vote was £33,000; in 1949 £45,000, and my recollection was that we were told that this increased staff was going to result in increased collection. I was not very convinced of that because the estimate for the collection of income tax in 1949 was £900,000 whereas the actual collection in 1948 was £1,200,000. So it looked as though the department itself was not very hopeful that the increased staff would produce the increased collection.

I did refer in my speech on the motion to go into Committee of Supply to the dissatisfaction in the Colony over the collection of income tax, and I do not think it will be necessary to repeat all that I said there. I would only like to ask one question which perhaps the hon. Commissioner for Income Tax could answer and that is, does he think that decentralization of his department would assist very greatly in closer collection of income tax? If there was an income tax assessor in, say, Nakuru and Eldoret, it does appear to me that not only would it be very much easier and very much quicker to collect income tax in those districts but that income tax assessor

[Major Keyser] would get to know the various business houses and the various people who are liable, and should be liable, for income tax so that it would lead to very much less evasion. I know one of the objections would be to having a spy on your door but, nevertheless, we are out to see that this income tax is collected far more closely than it ever has been in the past, and I do believe myself that decentralization of that sort would have a very good effect on the total amounts collected.

MR. ERSKINE: Mr. Chairman, referring to this item, No. 25, I would like to ask a rather specific question. I am conscious that it may not be possible for me to have an immediate answer, but I would like to pose the question as I think it is important.

The East African Income Tax Department in a sense is an agency, particularly from the point of view of Kenya, an agency for the collection of quite a large part of our revenue, and in commerce when somebody works as an agent for some specific task, one does not worry so much about what exactly it is going to cost, what the exact figure in money is going to be to the agent, one worries more about what the agency commission will be on the collections as a whole, and here we get something like £71,000 for collections estimated at one and a quarter million. There we have a five per cent commission for the collection of this tax. In the past it has been seven and a half. It would relieve me very much if I was to know that the cost of collection was going to be more in the nature of three and a half per cent, which I think would be a fairer percentage. I do not mean that I want to reduce this vote, but I would like to have some assurance that collections during 1950 were likely to be considerably more than the estimated collection given. I do feel that that is important. It is an agency commission which is being paid, and all the time in my mind I am comparing the cost of collecting this particular tax with the percentage cost of collecting another tax—that is duties—which I appreciate is a very much easier tax to collect.

One other point I want to make in regard to the question of income tax, but I am not quite sure, and I am prepared to be ruled out of order at once, if I am justified in taking it up under this

head. It is in regard to certain relief from the incidence of taxation which I wish to ask a question about. In Great Britain and other countries which are more advanced than we are fiscally, there are provisions made for old age pensions and so forth. In this country there is nothing of that kind, and I wanted to know whether insurance policies paid in this country could figure for relief—in all insurance policies, even contributions to national pension schemes in Great Britain, for there are a number of people in this country who contribute to national insurance schemes in the United Kingdom. If that could be answered legitimately under this head, I would appreciate it.

THE CHAIRMAN: It is very difficult, of course, with a group of items like Part B to limit anybody to anything, but I would have thought it was more a matter which would affect legislation than the administration of any of these particular departments, and therefore it would not be in order to raise it.

MR. MATTHEWS: Mr. Chairman, answering the hon. member's question about the percentage cost of collection, I think it must be understood that the percentage cost of collection naturally depends very much on the nature of the revenue being collected. For instance in the case of Customs, which on the whole is comparatively easy to collect, it may be very low indeed. Again, with different Income Tax Departments—in the United Kingdom the percentage may be "X", but in a country like Kenya where the position is very different indeed, it may be "Y". Because "X" is less than "Y", it does not mean "Y" is necessarily extravagant. He wanted an assurance that this percentage in relation to the estimate would be lower in the event. I have already explained, that in my view, and that view is confirmed by the Commissioner, we shall in this year of 1950 get a substantially greater amount of revenue from income tax than in fact the revenue estimates show. That, sir, I think answers his question.

MR. MACONICHIÉ-WELWOOD: Mr. Chairman, I would like to ask a question about item No. 4, East African Meteorological Department, which shows an increase of £10,250.

[Mr. Maconochie-Welwood]

I should like, if it were possible, to receive an answer as to why it has increased so enormously in one year. Of course all this means, presumably three times the amount of figures here. That is to say, the whole service is to be expanded by something like £31,000. The Meteorological Department is essentially tied up with that other vote which the hon. Member proposes to reduce, that is radio communications, because essentially the Meteorological Department is a service which is almost entirely for the use of the aviation industry. It has never been of any use to the farming community for obvious reasons, but it is an essential service for aircraft. There is one other service that ties up there, and that is item 20, East African Directorate of Civil Aviation, and I think in discussing this I would like to remind this Council that in fact these three are all a service given to one industry and our share of it at the present time is £58,157.

The services given to civil aviation are in order of importance: First, obviously aerodromes, which do not come within the scope of this; afterwards the Meteorological Department, and afterwards communications from one aerodrome to another for reporting aircraft movements, and what I would describe as the last in importance is this question of radio communications. A White Paper was circulated about nine months ago to the High Commission, which was also circulated to this Council, which proposed a quite enormous expenditure on radio communications, air to ground. In fact, I think I may be forgiven for quoting the figures suggested. They were £157,000 in capital and £105,000 in annual recurrents, this in a country with a very small air industry, and I submit that it is an expense that we would be quite unjustified in making until other priority services for aircraft have been attended to. We have very few emergency landing grounds; our meteorological reporting is very bad, and we then propose for this last service, radio communications, which is—I would put it this way—an insurance premium for safety, to pay this very large sum of £157,000 and £105,000. I submit the country cannot possibly afford it, and I was very glad to hear the hon. Member say he was proposing to cut £10,000 of this £29,560

vote for radio communications until the matter was gone into, because I rather fear one is increasing this paper administration, partly implemented without properly being gone into.

Another question comes, in, air to ground communications. I do not want to weary the Council with technical points. In fact, the suggestion was to scrap the existing system, partly wireless telegraphy and partly high frequency radio telegraphy, and substitute very high frequency radio telegraphy which is a short range contact which will not pass through hills and things of that sort, and it was suggested in the White Paper that, in order to do this, African operators should be used. I do hope the hon. Member, when this matter is debated in the Central Assembly, will remember at this stage it is quite valueless to spend a great deal of money on a service using African operators on the ground for the benefit of pilots. The service we pay for is only worth having if the pilots have confidence. I do not wish to be derogatory to Africans, but they have not reached the stage where pilots have confidence in them as ground operators, and money spent on a service such as this which would use Africans for air to ground communications would be purely thrown away, because the pilots would continue to fly by contact because they would not trust the ground communications.

I do not want to labour this subject. I only mention it because the country should realize that their money is being spent on civil aviation, and to emphasize it should be spent first at the right end. Firstly, landing grounds, the meteorological services, then reporting of missing aircraft, and last of all radio communications, which figures in this budget as far the biggest sum of the whole lot. In case of being misunderstood, I am referring entirely in this matter to local radio communications and not to trunk routes where they make their own arrangements from contributions from the United Kingdom.

COMMISSIONER OF INCOME TAX (Mr. Merittens): Mr. Chairman, I think it was Mr. G. K. Chesterton who was reputed to have said that he liked getting into hot water because it kept him clean. I feel from what I have read in the Press and what I have heard recently, there will be no need for me to draw on Nairobi's

[Mr. Merittens]

water supply for some time to come. I am extremely grateful to those critics whose requests have resulted in my being here today to speak for the department for which I am responsible, but I find myself in a bit of a quandary. I am no silver-tongued orator, and there is little that I can say that has not already been said both in this Council and elsewhere, but it seems that those previous pronouncements have been forgotten, and the fact that the High Commission in September went in detail into the position of the Income Tax Department has been completely ignored. Perhaps the department has suffered from a professional dislike of self-advertisement, and that is why I am grateful for this opportunity to speak today.

I want for a moment to recapitulate the history of the department, a history that is directly responsible for the position that has arisen today.

Before the war, the department had an assessing staff based on the comparatively few taxpayers who were liable to tax in those halcyon days when the personal allowance for a married man was £500 and the pound really was worth a pound. Then came the war. The department released staff to the Services; it was faced immediately with an enormous increase in the number of taxpayers as a result of reduction in personal allowances. Complicated taxation, including excess profits tax, was introduced, and perhaps the most difficult of the lot, the other East African territories decided to introduce income tax. The department then found itself immediately struggling, with its staff dissipated, with new and complicated taxation with which it had had no previous experience. The result was that we had to go to Government and ask for an increase in establishment. This was willingly granted by the East African Governments, but unfortunately world conditions and the salaries offered were not sufficient to attract candidates. I do want to make that abundantly clear.

It is the staff position which has been and is behind our troubles in the department. The representatives of the general taxpayer must, I think, share a certain amount of the blame in not having given us sufficiently attractive terms, with which the problem would never have arisen. During the years 1945 to 1948,

before salaries were revised, the department suffered the loss of no less than twelve highly qualified and fully trained accountants and income tax assessors who came to the conclusion that their services would be better rewarded elsewhere, and the number of clerical staff that change, come and go every year must far exceed the establishment. Those members who have had any experience of the intricacies of income tax will know what loss of trained staff means to the department. I would like to emphasize that by saying that at the present time in the department out of 15 qualified assessors in Kenya only four have had more than three years' experience, and out of the 23 clerical staff only three have had more than three years' experience. That emphasizes the difficulty with which I am faced. At no time since 1940 has the department had anything like the staff that the Legislature has considered necessary. At the present moment there are ten vacancies in an assessing staff of 40—quite an appreciable proportion, but better than what we have had over the past nine years. In 1948 the Central Assembly agreed to an increase of the establishment by four assessors and five clerks for Kenya, and this year also at my request they introduced further provisions for tax officers. That far-sighted and realistic attitude has paid dividends and is going to pay dividends is abundantly clear.

I know the experts advise against mentioning figures in a speech. I must disregard that advice. I have here certain figures which I think are rather startling and which I think will illustrate the enormous improvement that has taken place over the last twelve months.

There are two sides to the picture: the volume of work to be undertaken with the staff available and the actual work that has been accomplished. No one who has had the misfortune to drive a car or look for accommodation in Nairobi needs to be told that the population is growing at an alarming rate, and it will not come as a surprise to know that whereas in 1940 we issued some 7,400 returns for taxation purposes, that figure had grown by 1945 to 10,400, and by the end of 1949 over 21,000 had been issued. That is, the number of general taxpayers had doubled in the last four years. Partnerships and active limited liability companies had increased

[Mr. Merttens] proportionately, but the assessing staff who had to handle the work had only increased by 25 per cent. Two into one just will not go. Now for the other side, the actual work performed. Until 1949 we had assessed on an average some 7,000 assessments each year. Last year that figure had jumped to 12,000, excluding some 3,000 additional assessments resulting from the salary revision for civil servants. The maximum tax assessed before 1949 was £1,058,000; last year we topped the two million mark. Tax collected in Kenya in 1949 was over half a million pounds more than in any previous year.

To summarize. The work has doubled in the last four years; the output has doubled in the last twelve months, but the staff has only increased by 25 per cent. I think there is probably little need for me to say more. I may be asked what we are doing to remedy the sickness from which the department is suffering, a sickness brought about by starvation as a result of unattractive terms and by ill-treatment as a result of world conditions which added to the burden of a young department which was not really fitted to bear it.

Throughout the period that the Income Tax Department has been in existence we have carried on an extensive recruiting campaign but it has been an uphill fight. We have not had the terms to attract people, and as an instance of that even now with our improved terms I would like to say that the Deputy Commissioner, at present in the United Kingdom, has been seeing all the main qualified accountancy bodies and generally trying to contact recruits. He has succeeded in contacting a large number, but it is surprising how few will turn up for an interview. One might almost think that income tax was an unpopular subject. But, this is an important point, there is a silver lining which enables me to face the future with confidence that I did not have until the last month or two. The Board of Inland Revenue in the United Kingdom, in spite of its own extremely difficult staff position, has come to our aid. It has agreed to consider—and I must underline that but I think it is probably a fact—that up to half a dozen qualified men will be released for service in our department, and I am hop-

ing there will be no great delay in their appointment.

Nor is that entirely all. The hon. Member for Rift Valley will, I know, be pleased to hear that we have succeeded in devising a scheme of training in the United Kingdom with the Board of Inland Revenue, which I hope will offer local youth an attractive prospect within the department. Up to the present it has been extremely difficult to get any local volunteer because he knew there was a limit to which he could go, he could not get the accountancy qualification locally, or a local qualification to enable him to have good prospects in the department. The Board of Inland Revenue has agreed to train on our behalf any staff we consider warrant that action, and that will be prominently in our mind. I hope that this will go a long way towards meeting the wastage from which the department has long suffered.

The hon. Financial Secretary has already announced a substantial increase in revenue for the current year. (MR. COOKE: How much?) If I could answer that I should be able to foresee what cannot obviously be foreseen. It depends again on staff and incomes of which I as yet know nothing. It will, however, be very substantial.

I would like to say that I was responsible for the estimate which appeared in the printed estimates. That was based on the knowledge at that time that—well, I should say that was based without any knowledge of increased establishment and, more important, without any knowledge of the increased staff becoming available. During the year 1949 we have as I indicated exceeded the estimate by a rather startling sum. That is due to several factors which will not necessarily recur in 1950. For 1948 and later years the rate of tax has been decreased; that is beginning to have an effect, and will have more and more effect. What is more, the policy of the department in delaying inquiries until such time as they can be dealt with adequately does mean laying up troubles for ourselves in the future. We have to a certain extent this year to face two years' inquiries instead of one and as I have mentioned the 3,000 salary revision assessments will not recur this year.

But there is another side, the reason why I agreed with the hon. Financial

[Mr. Merttens] Secretary in the increase in the estimate for 1950 is based on the growing experience of the staff. I would just like to mention two more figures. In the first quarter of 1949 the staff raised 2,500 assessments, in the last quarter that had grown to 4,986. In view of that, and in view of the promise from the United Kingdom, it is clear that we can count on accelerated collection this year. (A Member: Of arrears?)

I will now deal with one or two points which have been made.

It has been suggested that we could have accepted returns without inquiry. I will say at once that, in effect, is what we are doing in at least two-thirds of the cases. To carry it further would not be practical policy, firstly that it would encourage that evasion which it must be the primary responsibility of the department to reduce to a minimum, and secondly, because income tax is an extremely complicated subject. It must be remembered that it covers not only trade, agriculture, dividends, rents, but individuals, companies, trusts, residents, non-residents—in fact, it covers the whole of a person's existence. There are other varying problems to be faced, and in the interests of taxpayers it is essential that certain inquiries are made. I can say that I think that if we went further with our present policy, and there are standing instructions to the staff to accept returns wherever possible, if we went further with that policy the loss of tax would be considerably greater than the possible loss than is occasioned by an occasional taxpayer, usually with a small income, leaving the Colony before his tax has been collected.

One further word on arrears. They naturally fall into two groups: a tax which is not assessed because we know nothing about the income, and the tax which is behindhand in assessment. Even in the United Kingdom there are widely divergent views as to the amount of income which escapes tax, and I would not like to hazard a guess of what it amounts to in this country. Its reduction must be the primary responsibility of the department, and depends on two factors, the staff and the evidence. The latter is being accumulated the whole time, and it now only awaits the staff to deal with that evidence. Hon. members will be aware

that the investigation branch of the department has been struggling with the problem with a very limited staff. That staff has recently been strengthened, and I hope that before long we shall have a flourishing investigation branch which will go far towards tightening up on the evasion which undoubtedly exists. The extraordinary rate of improvement which has occurred during 1949 should be accelerated this year as the result of growing experience, and I have every confidence that there will no longer be complaints from taxpayers that they cannot get their assessments made. I do ask hon. members of Council to be patient, and I hope I have shown that I and my officers are fully aware of the facts. There has been a remarkable improvement last year, and there are excellent hopes for the future. Lord Montgomery's famous answer is perhaps not inappropriate and I apologize if my quotation is not completely accurate: "The difficult we do now, the impossible may take a little longer".

MR. USHER: May I have your ruling, sir, whether it would be possible for me to raise a question on income tax policy in Committee of Ways and Means? I got into a traffic difficulty outside here this morning and missed the first part of this debate.

\* THE CHAIRMAN: I only want to deal with what is possible in the Committee of Supply, and we are in Committee of Supply. We have got this estimate, which is Contributions to the Cost of High Commission Services, and I do not know whether that permits such a scope as considering taxation problems now.

MR. PRESTON: Mr. Chairman, I should like to ask Government if consideration has been given to the insistence of all book-keeping systems being kept in the English language? I understand at the moment it is permissible to keep books in other languages, which, to my mind, must render the task of income tax inspectors inordinately difficult, and I would like to know if Government has considered making it compulsory for all books to be kept in the English language.

MR. MERTTENS: Mr. Chairman, I am grateful to the hon. Member for Nyanza for mentioning that because it is a question that I should have dealt with before. The reply to his own particular query is that the law does provide for books



[Mr. Merttens]

of account to be kept in such language as I may determine. In practice, however, I find that, if a taxpayer wishes to evade taxation, the fact that he has to keep his books in one language or another has very little to do with the result.

The other question was one raised by the hon. Member for Trans Nzoia, who asked whether decentralization would not assist in avoiding evasion. I entirely agree with him. Once we have trained staff it will be my aim to decentralize as far as I possibly can, but at the present moment, if I dissipate the strength of the department any further, I shall find myself even further in arrears than I am at present.

MAJOR KLYSER: In answer to the question by the hon. Member for Nyanza, the hon. Member said that, if a taxpayer had made up his mind to evade tax it did not matter whether he kept his accounts in English or any other language. Do I gather from that that, if he decides to evade, there is no means of stopping him evading?

MR. MERTTENS: Evasion, as I said before, can only be traced through evidence which is being accumulated at all times. Even in this Committee I would not like to underline or to outline the various methods there are by which we can trace defaulters. We have access to all sorts of information which we get from returns and from all sorts of bodies and persons, and we also keep our eyes about us, which does give us an indication. That is where decentralization would help considerably—to see what people are doing and where they get the money with which to do it.

MR. COOKE: Mr. Chairman, I should like to congratulate the hon. gentleman for his clear and comprehensive speech. (Hear, hear.) I should like to say that I completely bear out everything he said about the difficulty of collecting staff. I know that only too well, being on the European Civil Service Advisory Board. It would be a great achievement if he could manage to get European youths trained to come here and stay here. We find great difficulty in getting European youths in this country to accept jobs even on very good terms. His remarks will be received with great perturbation by the "dismal jimmies", because it appears that the end of the world is not

yet approaching in Kenya, and that the taxable capacity of this country is probably far greater than even optimists like myself believe.

MR. THORNLEY: Mr. Chairman, the hon. Member for Uasin Gishu raised the question of the increase for which provision is made in item 4, East African Meteorological Department.

The position is that before the war the cost of the meteorological service was met by His Majesty's Government, with a fixed contribution from these territories. The amount of that fixed contribution was as shown on page 6 of the memorandum accompanying the High Commission estimates, £6,400. Since the war negotiations have been going on, and they have still not reached finality with His Majesty's Government, regarding the proper apportionment of these costs, not only for meteorological services but for other services which are required in connexion with civil aviation. The matter was, I understand, considered last year by the Standing Finance Committee, which agreed that the figure appearing in the estimates for 1950 should be put forward as the maximum possible contribution which this Government would be prepared to consider in the negotiations which are now going on, and I understand that, dependent upon the outcome of those negotiations, will be the question whether this full amount should be inserted in our estimates or some lesser amount.

The position generally regarding meteorological and air ground services, which were mentioned by the hon. Member for Uasin Gishu, is that these services have to be provided up to a certain standard in accordance with obligations under international agreements. The inter-territorial report to which the hon. Member referred made certain recommendations, highly technical, which would entail very considerable expenditure. The basis of allocating that expenditure, or such proportion of it as will fall upon the East African Governments, could be fairly easily fixed as between the East African Governments, but there again this whole question is ultimately dependent upon negotiations which are still going on with His Majesty's Government. Tentative proposals have been put to the Government in London, in which this figure of £16,000

[Mr. Thornley] under item 4 has been mentioned. What the final costs to the East African Governments of all these various services will be is still therefore undetermined, but I think we should be wise in assuming that it is unlikely that they will be any less than the amount of the provision which is made in these estimates.

MR. PRESTON: Mr. Chairman, would I be in order in seeking information on item 20 at this stage?

THE CHAIRMAN: Any matter of administrative criticism may be raised on civil aviation.

MR. PRESTON: Thank you, sir. I should very much like information from Government on the question of the provision of aircraft in the Directorate of Civil Aviation. I note that in the estimates the sum of £18,000 is allowed for the upkeep of aircraft, and indeed was allowed in last year's estimates, and as far as I am aware there is no aircraft at the disposal of the Directorate of Civil Aviation. If so much money is to be spent on radio-communications and meteorological information, it would appear to me that there should surely be some way of testing the reliability of communications. There is also no question about it that, if the Directorate of Civil Aviation are going to be in a position to carry out surveys for the siting of new aerodromes and their duties in connexion with the investigation of accidents to aircraft, where it is desirable to get to the spot as quickly as possible, it would seem logical that they should be provided with an aircraft. I should like to know if, in fact, an aircraft is available or not.

MR. HAVELOCK: The hon. Deputy Chief Secretary explained to us the reasons for the cost of the East African Meteorological Department, but I do not think he explained very clearly, anyway as far as I am concerned—I may be a Junderhead—the reasons for the allocation between the different territories of the total money. According to the memorandum on the East Africa High Commission Estimates, Kenya pays £16,650, Tanganyika £15,000, Uganda £11,000, etc. That follows up the question which the hon. Member for Trans Nzoia asked just now, and no hon. member from the other side has yet answered it. That is, on what basis do these territories pay their share of the common services?

There is one other small question which I should like to ask on item 6. I notice that the cost of the population census, 1948, has been switched from Extraordinary last year to Recurrent this year. Does that mean that we can expect a sum of this sort to appear every year in the Estimates for the High Commission?

MR. THORNLEY: The East African Directorate of Civil Aviation does not own any aircraft. Whether it should own aircraft is a matter which certainly I should like to give consideration to before saying anything more on the subject in the course of this debate, but I think I have answered the immediate question asked, which is that it does not own any aircraft.

MAJOR KEYSER: May I ask in that case, seeing there was a vote last year of £18,000 for the upkeep of aircraft which does not exist, if the High Commission made a refund to Kenya for its proportion of that cost? (Applause.)

MR. MATTHEWS: That matter will certainly be taken up with the High Commission, sir.

MAJOR CAVENDISH-BENTINCK: Mr. Chairman, the hon. Member for Trans Nzoia raised the question as to why the division of the cost of desert locust schemes was apparently unfair as regards this territory. I cannot answer the member in general on how these things are divided, beyond saying that I think a good many of the divisions are arranged in accordance really with common sense. The East African Directorate as far as desert locusts are concerned is a continuation of a service which was set up during the war, and the liability of Kenya to invasion by the desert locust is considerably greater than that of the other territories. Also the damage which could be inflicted in Kenya, or the risk of damage, is probably greater than that in the other territories.

Hon. members are aware that there are three types of locust. There is, as I have already said, the desert locust which reaches the migratory stage throughout the area and breeds in North Africa, in Asia, and sometimes even in Southern Europe, and the damage that that locust can do does not go further south than the centre of Tanganyika. We are very much in the danger area from infestation

[Major Cavendish-Bentinck] by the desert locust. The migratory locust, against which we also pay something towards protective measures, breeds in West Africa and, although it is not one of the most common invading locusts, is one of the most dangerous of all. The red locust, to which we pay a comparatively minor contribution compared to other territories, never really comes to Kenya except the southern tip. It does come to the Congo. So the portion of expenditure arranged between the territories as far as locusts are concerned is really in proportion to the danger that the territories are exposed to from the various types of locust.

I would finally say that, although the sum involved seems fairly great, I can assure hon. members that it is very cheap insurance against possible risks.

MAJOR KEYSER: With regard to the hon. Member's remarks I did not gather whether it was in proportion to the amount of common sense that existed in the Colony or what, but I would have thought that if it was based on common sense the fact that Kenya acts as a buffer between the other territories and gathers locusts and possibly destroys them it should mean that the other territories should contribute very greatly to Kenya in order to help it destroy the locusts. That is where I would say that the common-sense share of a proportion of the costs would be, rather than the reverse.

MR. MATTHEWS: Mr. Chairman, the answer is, of course, that an attempt is made to divide this expenditure in proportion to what is estimated is the value of the service to the particular territories. For that reason the sharing of the costs for the various schemes and services varies very considerably. In the case, for instance, of the Lake Victoria Fishing Service the current cost is shared between the three territories equally, one-third, one-third and one-third. In the case of the Desert Locust Survey it is two, one, one, and so on. These things are not susceptible of an accurate computation. As my hon. friend on my right has said, we have to apply common sense. It is not a question of the amount of common sense existing in a particular territory, it is a question of the application of common sense by those persons whose duty it is to apportion the expenditure. On that basis it is done.

MR. COOKE: It is not a case of what we lose on the swings we gain on the roundabouts? (Hear, hear.)

MR. THORNLEY: A question was raised on item 6. The population census for 1948. The position is that considerable progress was made towards the completion of the work during 1949, and it is estimated the main work will be completed in the first six months of 1950. It is for those six months that provision has been made in these estimates.

THE CHAIRMAN: It is not an amount to be moved.

MR. MATTHEWS: As no other member wishes to speak on any preceding item I beg to move: That the amount shown against item 26 (ii) be reduced by £10,549.

I do not know whether there is likely to be any opposition to this motion, but possibly I ought to give a short explanation of why this is moved. A good deal of the explanation has in fact already been given by the hon. Member for Uasin Gishu and also my hon. friend the Deputy Chief Secretary. The position is that this radio service is one of the ground services necessary in regard to aircraft and air routes generally, and the question of who should pay for these ground services is still a matter for discussion. There are three types of air routes in East Africa—trunk, common, and local—and the question is whose financial responsibility it is to provide ground services for the various kinds of routes. That matter has been discussed in conference with His Majesty's Government, but the conference broke down because there was such a great difference of opinion on who should pay this or that. In the meantime, however, these services have to be financed. It is naturally agreed on all sides that the local services are purely a responsibility of the territories concerned. But there is the question of who should pay for the common and trunk services, and how much. Pending final agreement, the ground services pertaining to these routes are being financed from a suspense account to which this Government makes payment. By an error the £29,560 includes not only Kenya's proper payment for local services but also a sum of £10,549 which ought to have gone to the suspense account. That is why this deletion is moved. The estimate was received

[Mr. Matthews] at the very last moment and there was no time to check it. In the meantime that check has been made. I may add, of course, that we will have to pay part of the £10,549 when the suspense account is cleared.

The question of the amendment was put and carried.

The question that Part B, items 1 to 27, as amended was put and carried.

MR. MATTHEWS: I beg to move: That Part B, Contributions to the Cost of High Commission Services Extraordinary, be approved.

MAJOR KEYSER: May I ask the hon. Member—item 2, East African Production and Supply Council. Last year the whole vote came under "Extraordinary". Has it been moved now into the recurrent expenditure, as it has ceased to be quite as extraordinary as it has been in the past? This East African Production and Supply Council is a body which has always been a mystery to us, how it works, and what I am going to ask without saying very much more in opposing this particular item is, would it be possible for members on this side to have a memorandum about how this extraordinary department does work, and what it does? Always when this has come up in discussion—in fact, when I have asked outside this Council questions about it—I have never been able to get a satisfactory answer. In fact I very much doubt whether people in the Council themselves know exactly how the thing works.

MAJOR CAVENDISH-BENTINCK: The hon. member points out that this item of expenditure has been shifted from "Extraordinary" into the item we have just passed. It is a matter of framing.

There are one or two matters I would like to speak about on this expenditure. First of all, the East African Production and Supply Council really is not quite as secret as hon. members seem to think, and it is one of the working clearing houses which we have had during the war and since for solving certain interterritorial problems. It does have sessions during the year and representatives from all three territories attend those sessions, and as a result of those sessions sometimes rather bitter controversies are ironed out. Part of this expenditure this

year, amounting to £15,662, is on the new East African Hides and Skins Industry Bureau, and that is met largely by a cess on hides and skins, so the contribution paid by the Government towards this particular service is reimbursed. The remainder of this expenditure is partly accounted for by the distribution system—the Director of Produce Disposal and his officers who deal with the distribution to the three territories from the central bureau.

With regard to the request for a statement of precisely what this Council does, I have no doubt my hon. friend the Member for Finance will give some information.

MAJOR KEYSER: Could I ask a question on that? The general impression among producers in this country is that the East African Production and Supply Council, through the East African Cereals Pool, deals with surpluses in each territory and allocates them to other territories. That may be entirely wrong, but that leaves the impression that does exist in the Colony that these surpluses which might have been exported, often to a very profitable market overseas, are actually exported into the adjoining territories at local prices. Is that the case, sir?

MAJOR CAVENDISH-BENTINCK: That is certainly so, and I most certainly consider it is the duty of East Africa to feed itself. What is gained on the swings is also gained on the roundabouts because we have to import quite a considerable quantity of produce from our neighbouring territories, such as rice, and foodstuffs for cattle feed. I do not think it is reasonable, if I may say so, to spread the rumour that this particular method of trying to make East Africa self-supporting is entirely unfair on producers. If producers feel they have a grievance about prices that is quite another matter, but I think it would be quite wrong not to attempt a system whereby the East African territories must attempt to feed themselves before they export.

MAJOR KEYSER: I have achieved my object, because the hon. Member is a little incensed at the suggestion that I should be spreading a rumour. I was merely showing how ignorant I myself was about the whole subject, how ignorant the whole country is. I might circulate among my own constituency

[Major Keyser]

and say, Why should our wheat leave the country at a less rate than if we send it to Timbuctoo or some other country? There is a necessity for information being given to the country on how this particular Council operates, because there is very great misunderstanding on it. I think I have achieved my object, thank you, sir.

The question was put and carried.

#### Part C—War Expenditure, Civil

MR. MATTHEWS: Mr. Chairman, I beg to move: That Part C, War Expenditure, Civil, items 1 to 15, be approved. Here again, this is a poly-item head, and the members concerned will endeavour to answer questions and give satisfaction to the other side of Council in the matter of any difficulty, or anything that may be obscure.

While I am on my feet I will take the opportunity to say a word or two about my own items. They are 1, 2, 3 and also the Price Control Office, No. 13. As the Council is aware, I have not held this portfolio for very long, but I have been conscious that there has been a good deal of criticism both in the Press and in various other quarters levelled at Price Control from time to time. Therefore I took the opportunity of investigating this matter with the present Controller of Prices, an officer in whom I may say I have the greatest confidence, and as a result of examining the recommendations of a committee appointed by him, known as the Advisory Committee on Price Control, I came to the conclusion that a considerable degree of de-control could be effected without danger to the cost of living index and the economic structure.

Measures implementing this decision have already been promulgated and have in fact meant that goods coming under price orders have been reduced by about 50 per cent; similarly for goods which are controlled on a percentage basis via what is known as the Third Schedule, again there has been a reduction of about 50 per cent. With regard to goods coming under the factor system, there was a good deal of complaint—and I think justifiable complaint—that the system, meaning as it did that all goods not elsewhere specified should be under the factor system, placed an over-responsibility on the merchant concerned. Well, of course, when you get an indefinite entity of the kind

“not otherwise specified” difficulties are bound to arise, and there is no doubt the commercial community was suffering from this difficulty. Therefore I have taken the opportunity of changing that system and, instead of having a system of “all goods not otherwise specified”, there has been a new and fourth schedule produced in which a very limited number of goods now are governed by this factor system, and I think will go a long way in meeting the complaints and overcoming the difficulties that merchants have felt in this behalf.

These proposals for decontrol have been put into force immediately, but I must say this, that it is necessary for me to keep an extremely wary eye upon the effect of decontrol. I should be failing in my duty if I did not do so, and I may say here and now that, if there is any tendency for prices again to go beyond normal limits of what they should be, it might be necessary to reintroduce control in respect of goods showing this characteristic.

Of course, these changes have made me also look at the cost of this department to Government. It has not been possible for me in the time to go into this matter in great detail. I have come to the conclusion, however that we can effect immediate reductions, or almost immediate reductions, of the order of about £6,000. This matter will have to be very carefully considered. We do not want to cut off heads and let bodies fall to the ground. It is necessary to be very careful where we do the cutting, and I would ask this Council, as an expression of confidence in me, to vote the sum shown, with the assurance from me that immediately it is possible to reduce staff and cut down expenses generally the cutting will be made at that moment and not at any time later. I shall take the opportunity of reporting to this Council precisely what was done, so that this Council may be aware of it and offer any further criticism or comments, or helpful suggestions, that it may.

MR. VASEY: Mr. Chairman, I only want to say one or two words on the procedure. This head contains so many varied subjects that I feel that, if items 1 to 15 are to be moved in one block, the debate will range almost beyond your excellent control.

THE CHAIRMAN: In that case what I would suggest is that you take the appendices one by one.

MR. VASEY: Yes. The other suggestion I was going to make was that they should be moved by sub-heads, for instance items 1 to 3, 4, and 5 to 7, and so on.

MR. MATTHEWS moved: That items 1 to 3 be approved.

The question was put and carried.

MR. MATTHEWS moved: That item 4 be approved.

The question was put and carried.

MR. MATTHEWS moved: That items 5 to 7 be approved.

The question was put and carried.

MR. MATTHEWS moved: That items 8 to 12 be approved.

MR. COOKE: Item 8. May I make a small point about the whisky allocation? (Applause.) Would it be possible to have a reallocation of the whisky quota? At the present moment, as everyone knows, or most people, a lot of whisky is going to the black market. What I would suggest, and I did indeed suggest it two years ago, is that as allocations are made to the retailer, he must keep a full list of his clients, and as each client receives a bottle, or two bottles, a month he signs for that, and then you can check up on the retailer's list and possibly find where the whisky is going to. It might possibly not be so easy with clubs, but still that might be dealt with. A lot of people think either that whisky should be decontrolled completely, or else we should take action on the lines I have suggested.

MR. BLUNDELL: Could I ask the hon. Member for Commerce and Industry to tell the Council very briefly what this Imports and Supplies Office does? What I want particular elucidation on is this. I would have thought myself that the question of imports control could have been completely abolished except in so far as it affected hard currency areas. If that is the position, the point which I want brought out is, does it cost £23,406 in any one year to control imports from hard currency areas?

MR. HAVELOCK: As regards the remarks of the hon. Member for the Coast, which most of us are interested in, I personally would advocate complete de-control of whisky. It would be much

simpler, and I have no doubt at all that the actual supplies would be distributed in a fairer manner than they are at present. Even the control of whisky must cost Government something, quite a bit I should say, and it must be quite a difficult thing to do. I would advocate most strongly decontrol immediately.

MR. BLUNDELL: Arising out of the hon. Member for Kiambu's remarks, I should just like to strike a note of caution. (Laughter.) It may be that some whisky disappears into the black market, but at least there is some left for ordinary members of the public to consume. I should not like to associate myself with such a sweeping statement at this stage.

MR. VASEY: Mr. Chairman, I join with the hon. Member for Rift Valley, but perhaps from a different motive. I have for a long time been chairman of a co-operative trading society. That trading society, and I think it is on record in the Hansard of this Council, suffered a great loss of custom because members transferring their custom from another store to the co-operative trading society were unable to change their point of purchase of whisky allocation, and they returned, in distress in many cases, to their original shop. I think there are only one or two bulk importers of whisky, and if complete decontrol took place it might well be that the power of vested interest—and I use that advisedly—as against a co-operative society might operate badly, and I should not like that to happen. I therefore suggest that the most that should be done is a suspension of control, with a warning that anything other than a fair allocation would bring immediate reimposition.

MR. ERSKINE: Mr. Chairman, I am only sorry that as far as I can see it is not possible for us to remain in order and to discuss items 8, Imports and Supplies, Commodity Distribution Board, and 13, Price Control, all together, because it appears to me that they are now becoming very much one and the same thing. The purpose of controls is generally accepted as to regulate shortages and not to create them. At one time during the war these controls sometimes had the specific duty of literally creating shortages in the interests of shipping and that sort of thing. Now the whole thing is changed considerably in that there are certain shortages still, due to the recent

[Mr. Erskine] holocaust of war, and while those shortages exist they have got to be regulated.

It is an interesting point which has just been brought up, in connexion with whisky. When importers are allowed to range over the whole world—though they cannot go very much further than Scotland for this particular item—and it comes in in free supply, then, of course, we will demand that it should be completely decontrolled. But while the Imports and Supplies Control office regulate the shortage and the inflow of this item, presumably there has to be controlled distribution and at the end there has to be a controlled price. Otherwise you are distributing an article which would carry a most enormous profit if there were no control of price. Therefore I repeat that I regret very much indeed that this item 8, Imports and Supplies Control Office, does not at this stage take over the entire job of looking after the remnants of those restrictive activities which one regrets very much are still absolutely necessary.

We have had an assurance that there is to be a reduction in the cost of one of these items already, Price Control. May I suggest that an even larger reduction might be envisaged if we could, as I say, at this stage amalgamate the remnants of these restrictive activities under one roof.

Mr. HOPE-JONES: Mr. Chairman, I take this opportunity to try and deal with the points hon. members have raised so far.

As regards whisky the majority of members on the other side seem to like this suggestion of the hon. Member for Nairobi North that we should suspend control and then see what happens. I am quite prepared to examine that.

Dealing with the point raised by the hon. Member for Rift Valley, what does the Imports and Supplies office do? First of all, the hon. Member put his finger on the most important function carried out by them, which is to have an individual licensing system in respect of importations from hard currency destinations, which, of course, includes countries such as Switzerland, to a certain extent Belgium, North and South America. That is a job which, owing to the fact that our foreign exchange available gets

smaller and smaller, we hope in itself will also become smaller.

There is, however, an important side, which is the supply aspect of the office. That side of the office deals with commodities in critical supply, such as steel, structural steel, steel used, for instance, in the ferro-concrete construction, and so on, and we put in our scheme to His Majesty's Government for a fair share of the colonial allocation. That is the sort of work which requires a good deal of processing, as we have to go to all the users in this Colony and get their estimates of need. It is a very essential part of the work and, I would submit to you, it is highly constructive work and has already resulted in a very considerable increase in the allocation of materials in this Colony. I suggest that, far from being restrictive, it is constructive in every respect.

As regards the point raised by the hon. Member for Nairobi South, it is quite clear that these controls are dying controls. Just as my hon. friend the Member for Finance has been able to do certain things in relation to Price Control which should result in a saving, so I hope, as I have been able to do in the last year by getting rid of such things as Car Control as separate items in the budget, I hope also to be able to reduce expenditure on these lines. I am quite sure the suggestion the hon. member put forward will be considered by my hon. friend. I do not think it would be proper to say more at this stage.

Mr. RANKINE: It is our usual time for adjournment, but as on Tuesday and Wednesday next my hon. friend the Financial Secretary, who is in charge of this head, will be absent attending the Central Assembly, and also certain hon. members opposite, I suggest that, if there are not many more questions to be asked, we should sit for a few moments longer and try and finish this head. If there are a number of questions then we will have to adjourn and deal with this particular head on Thursday, or some later date.

MAJOR KEYSER: I think it would be better if we adjourned the debate on this as there are quite a lot of questions still. I understand, to come up, especially over Price Control.

Mr. RANKINE: In that case, may we put items 8 to 12, and then I will move the adjournment?

Mr. HAVELOCK: If these heads are put, there is one question I should like to ask on item 11. It is a matter of policy and I hope it is the correct place to raise it.

We were told in this Council some few days ago that the Hotel Control Authority would not exercise its authority over the matter of prices in hotels in the Colony after May, I think, of this year. I would suggest to Government that that may have raised quite considerable misgivings in the minds of people residing especially in Nairobi and Mombasa, where accommodation is still extremely short and where there are rumours that some people have already been warned that the prices of their accommodation will be put up after the date which had been announced by the hon. Member for Commerce and Industry. I would suggest that Government consider most seriously the matter of zoning the areas which shall be controlled by the Hotel Control Authority. In other words, I consider that the country hotels and so on need not be controlled any further. They are mostly for holiday-makers, but the hotels in the towns, especially Nairobi and Mombasa, I believe still need control of their rates. I hope that the hon. Member for Commerce and Industry will consider that most seriously.

Mr. BLUNDELL: Mr. Chairman, I did not know we were going on now. I must confess that I think it is a wrong decision, because we are likely to be some time.

I want to draw the attention of hon. members opposite to item 9, Commodity Distribution Boards, £18,000. Here again, I do feel we should get a reduction because surely the commodities we are distributing have largely been reduced in number, and if they have not been reduced in number—I beg your pardon—

Mr. RANKINE: If the hon. member would be kind enough to give way? If there are additional questions I think it is the general consensus of opinion that we ought to adjourn. (Applause.) I therefore beg to move that the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.50 p.m. and adjourned till 10 a.m. on Tuesday, 17th January, 1950.

Tuesday, 17th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 17th January, 1950.

Mr. Speaker took the Chair at 10.05 a.m.

The proceedings were opened with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was taken by P. E. H. Pike, Esq., Acting Solicitor General.

#### MINUTES

The minutes of the meeting of 13th January, 1950, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By Mr. RANKINE:

Annual report of the East African Posts and Telegraphs Department for 1948.

By Mr. THORNLEY:

The Employment (Casual Labour) Rules, 1949.

By Mr. PADLEY:

Report by Director of Audit on the accounts of the Colony and Protectorate of Kenya for 1948.

#### IMMIGRATION RULES

##### SELECT COMMITTEE APPOINTED

Mr. O'CONNOR: Mr. Speaker, I beg to move: That a select committee be appointed to consider the Immigration (Control) (Amendment No. 2) Rules, 1949, and the Immigration (Control) (Exemption) (Amendment) Rules, 1949.

Hon. members will recall that by the Immigration (Control) (Amendment) Ordinance, 1949, various maximum capital sums which immigrants of various classes must possess were left to be prescribed by the Governor in Council, subject to these sums being laid before this Council. They have been prescribed and laid, and it is desired now that this Council should pronounce upon them. Other amendments to the Immigration (Control) Regulations and the Immigration (Control) (Exemption) Regulations have also been made and laid, and it is convenient that the Council should pronounce upon them also. The most con-

[Mr. O'Connor]

venient method I suggest is to appoint a select committee to consider these matters.

MR. RANKINE seconded.

The question was put and carried.

#### ABERDARE NATIONAL PARK

MAJOR CAVENDISH-BENTINCK: Mr. Speaker, I beg to move: Be it resolved, that as required by section 3 of the National Parks Ordinance, 1945, this Council approves of the Governor declaring the area within the Aberdare forest reserve, the boundaries of which are delineated approximately, edged purple, on Boundary Plan No. 204/5 deposited in the Survey Records Office, Survey Department, Nairobi (a copy of which was laid on the table on 14th December, 1949), to be the Aberdare National Park for the purposes of the National Parks Ordinance, 1945.

Hon. members are aware that there has been a proposal to declare this area a national park for some time past, but there was a small exchange that had to be made with Mweiga Estates, and that took some time to get through, and it is only recently that we have had the approval of the Highlands Board and all concerned to the precise boundaries of this proposed park.

This is the last of the national parks for the time being, Nairobi National Park, Tsavo National Park, Mount Kenya National Park have all been declared, and I think all hon. members are aware of the reasons for declaring this area a national park.

MR. HOPKINS: Sir, I beg to second the motion. There were one or two difficulties to start off with, but owing largely to the reasonable and helpful attitude adopted by the Director of the national parks these have now been removed. I have personally discussed the matter with the local associations concerned and farmers and there is agreement on all sides now to this park being declared. (Hear, hear.)

MR. MATHU: Mr. Speaker, in supporting the motion I should like to ask the hon. mover whether the boundaries of the Aberdare National Park are to be on the boundaries of the native land unit next door, and is the hon. Member satisfied that there are no Africans living

on what is the site of the boundary of the park? I ask this to avoid any difficulties later about excisions and so on. If he is satisfied I shall be happy to hear him say so.

MAJOR CAVENDISH-BENTINCK: Mr. Speaker, the reply to the hon. Member is that there is a very small boundary between the Aberdare National Park and the Kikuyu native land unit, but it is the same boundary as the boundary of the forest reserve. It is a very small boundary, and I was there only a short time ago and can assure the hon. Member that there are no Africans living in that particular forest reserve.

The question was put and carried.

#### SUGAR CONSUMPTION TAX ORDINANCE, 1948

##### CONTINUATION IN FORCE

MR. PADLEY: Mr. Speaker, I beg to move: Be it resolved, that the Sugar Consumption Tax Ordinance, 1948, shall remain in force until the 8th day of March, 1951.

This Ordinance provides that a tax of one cent a pound shall be levied on every pound of sugar consumed in Kenya. The proceeds of the tax are used to subsidize the Kenya sugar industry and to provide funds for sugar research and general benefit to the industry. Section 8 of the Ordinance provides that the Ordinance shall remain in force for two years from the date of its introduction into this Council, which was the 8th March, 1948, unless it is the wish of the Council that its life shall be extended. It is desirable that the subsidy should continue to be paid the Kenya industry, and in order to obtain the necessary revenues to enable this to be done this resolution to extend the Ordinance is moved in this Council to-day.

MAJOR CAVENDISH-BENTINCK seconded.

MR. NATHOO: Mr. Speaker, in rising to support the motion I would like to say that it is a matter of gratification that during the last year the hon. Member for Agriculture has taken a very keen interest in the development of the sugar industry. As Council is well aware, the production of sugar in this country is far below consumption, and it is my earnest request to Government that every effort shall be made to see that in a certain number of years we come to

[Mr. Nathoo] that stage where we become almost self-supporting, and if any money is to be spent I think it would be a very wise and long-term provision.

I beg to support.

The question was put and carried.

#### MOMBASA MUNICIPAL BOARD

##### COMMISSION OF INQUIRY PROPOSED

MR. COOKE: Mr. Speaker, I understand that the hon. member Dr. Rana wants to move his motion first, and I am quite prepared to give way if he so wishes.

THE SPEAKER: If you like to give way and allow him to do so I have no objection. Then I will call upon the hon. Member for Eastern Area, Dr. Rana.

DR. RANA: Mr. Speaker, it is after very deep consideration, and I must say a certain amount of hesitation, that I venture to move this motion standing in my name. The motion as drafted clearly shows that the affairs of the Mombasa Municipal Board are not in a very healthy condition. For the information of hon. members I should like to read my motion.

THE SPEAKER: Before you proceed further I should like to put a question to the hon. Attorney General as to whether the motion should contain the words "this Council resolves that the Government do appoint". Whether this Council can really appoint, or whether it should not merely recommend to Government to appoint. I think the Commission of Inquiry Ordinance leaves it as purely an executive matter as to whether a commission of inquiry should be appointed or not.

MR. O'CONNOR: I think what you say, sir, is quite correct. I have not got the Ordinance here, but my recollection is that the appointment of a commission of inquiry is a matter for His Excellency's discretion. It would therefore be better to word it that "this Council recommends that a commission of inquiry be appointed".

THE SPEAKER: I will re-word it.

DR. RANA: Mr. Speaker, the motion is: In view of the considerable disquiet among all the communities of Mombasa regarding the alleged inefficiency and stagnation in Mombasa municipal affairs,

this Council recommends that Government do appoint a commission of inquiry into the administration, finance and constitution of the Mombasa Municipal Board and desires that a date should be fixed when appointing the commission for the submission of its report.

It is a very sad and a very long story. Before I say anything I would request hon. members to give me a little latitude to speak a little longer than what is necessary—(laughter)—as the town of Mombasa is, according not only to my view but according to the views of many eminent people, a most important port: it is the gateway to Kenya and, strategically, Mombasa has more prominence and importance than, with all due respect, the town of Nairobi. The port serves not only the whole of Kenya, as far as export and import is concerned, but the whole of Uganda and a certain portion of Tanganyika. It might be said that it is a very inopportune time for me to bring this matter up when the town of Nairobi is going to have the status of a city. Well, sir, I wholeheartedly congratulate the citizens of Nairobi, and especially the Nairobi councillors who have worked so hard to deserve this honour. I should have been happy to have been moving a motion to get Mombasa Municipal Board raised to a council, but unfortunately, either due to apathy on our part or lack of practical knowledge, I am compelled to move this motion.

At the outset I may say that my motion is in no way moved in a spirit of washing dirty linen here, nor to make Mombasa a laughing stock as far as up-country is concerned; nor am I going to blame any individual officer for lack of efficiency. The whole object of my moving this motion is to see that the affairs of the Board move on with modern times and it does something for the good of the ratepayers and citizens of Mombasa. Some of my friends told me when I moved this motion in the Municipal Board of Mombasa last year that I should not do it, that it would be washing dirty linen. My reply to them was that I was sorry, but in a democratic form of Government when linen becomes dirty I think it does not require any washing; it requires thorough disinfection, and the ratepayers' representatives must do the job which is done to dirty linen, that is, to tear it to pieces.

[Dr Rana]

I am one of those unfortunate people who have been a member of the Board for the past 14 years, so that whatever I say is in no way superficial or connected with hearsay of affairs. Whatever I say is based on facts. I am sorry that our chairman of the Mombasa Municipal Board, the hon. member Mr. Usher, unfortunately is ill at a very inopportune time and he is not here to correct me if I make mistakes or misstatements of fact. I wish him the best of luck and hope he recovers soon.

Coming to the resolution. First of all, before going into the different subjects of administration, functions and constitution, I should like briefly to mention, just as one would do in business, the credit and debit side of our Board during the past 21 years. For the information of hon. members I may mention that this Board came into existence on 1st January, 1929, so we are nearly 20 years old.

As far as the credit side is concerned, in all those 20 years we have been able to have our own offices, which at one time we rented. They did not cost more than about £12,000. We have also had a few patches of roads built during the past 20 years, but some of our important roads, like the Kilindini Road and Macupa Road, have no pavements. Some hon. members may remember that when Mr. Nicol used to be a member of this Council he talked about the police lines and the rainwater which used to collect there and the terrible state of Kilindini Road, and I am afraid to say that it is still in the same nasty state.

That is as far as the credit side is concerned. Then we have a little bit of good roads and a social hall for the African community which cost us nearly £30,000. That was done out of the African trust fund, and I do not think personally that that is very much to the credit of the Board. Regarding the municipal African housing scheme, that was forced by Government some years ago when there was a strike, and Government thought these people should be housed in a better way. We have done something as far as that is concerned, and there are a few other things of very minor importance. That is all to our credit, but whatever has been done in Mombasa has been done to a very great extent by private enterprise.

Regarding the debit side, we have got a most insanitary and very, very useless abattoir. It was only a few years ago that the then hon. Member for Kiambu, who is now dead, told Council that there was tremendous amount of cruelty going on in the Mombasa slaughterhouse. Our position, I am afraid, has not improved, and a great deal is needed. I understand that this shanty was there when the Board came into existence, and a few patches have been made to it every year by spending a few hundred pounds. Take the market, the Mackinnon Road Market, which is situated on the main road. It is an open building, and during the hot and dry seasons there is a tremendous amount of dust and flies, which is not nice for the people buying there. We have no parks, we have no particular recreation ground, we have no swimming pool or any amenities which a port town can really be proud of.

There are a few, and I will mention on the social side the clinics and so on which we have started, and in my view we cannot afford it.

This is the position as far as the credit and debit sides are concerned. There are many other things which with a little care one could make. The golf course, another private enterprise, is really a beauty spot, and fortunately last year after great agitation we have been able to get a few benches put down where people can sit and see a little bit of the sea.

Coming to the administration side, first of all I am not exaggerating, I am not saying anything, but with your permission, sir, I will read a letter of the hon. Member for Health and Local Government regarding the staff we have got. We have got all unqualified executive officers with the exception of a temporary health officer who stayed there for three months. With your permission I will read the exact wording of the letter: "Department of Local Government, Nairobi, 9th August, 1949". The Board had recommended certain increases in the Municipal Engineer's and Town Clerk's salaries, and the reply was: "L.G. 411. Min. 24/49. Salaries of Town Clerk, and Municipal Engineer and Municipal Treasurer, Mombasa. It was agreed that the new salary scales suggested for the senior staff of the Mombasa Municipal

[Dr Rana]

Board be approved in respect of qualified men but that the present holders of the three posts under consideration, being unqualified, should continue to receive their present salaries. The qualifications required to qualify for the revised scales, so far as Mombasa is concerned, would be as follows: town clerk, a qualified solicitor or equivalent, with previous experience of local government work; town treasurer, A.I.M.T.A. or equivalent; town engineer, qualified B.Sc. or equivalent and have passed Parts A and B of the Institute of Civil Engineering. 2. The remaining recommendations contained in the report, as amended by your Board, forwarded under your letter referred to above are approved. 3. Consequent on the decision of the Standing Committee contained in paragraph 1 above, I should be grateful if you would now revise the supplementary estimates forwarded under your 17/28 dated 28th July, 1949, and resubmit them when early action will be taken to place them before the Standing Committee for approval.

These men are the main executive officers who have been with us for the past 20 years, and these are the qualifications they should have. I do not blame them. I do not say that they have not done their duty, but on the other hand I would say that if we had qualified and proper people perhaps they would give better guidance to the members of the Board.

Regarding the work, we have passed umpteen by-laws. I cannot recollect or give the numbers, but a series of by-laws have been passed, and there is hardly anybody to say whether they have been acted upon or not. I will give specimens of one or two of the most important. One is the building by-laws, which any town or city should see are kept up to date. When the Board started in 1929 up to 1935 one of the by-laws was to the effect that when there was snow or frost no concrete should be laid or building started. (Laughter.) That shows how we started, for nobody in Mombasa has ever seen snow or frost there. I was then a member, and somebody said, "For goodness sake remove that because there is no chance of snow", and it was done. At the present time

Mombasa town is experiencing one of the biggest building activities I have seen during the past 20 years. There is a tremendous amount of building going on. One of our by-laws says that no building shall be more than two storeys high on a 50-ft. road. Government, which is lucky to be exempted from municipal by-laws, under the orders of the District Commissioner, says, "This is all humbug", and have got for the European staff a three-storey building on a 50-ft. road, which a private individual is not allowed to do.

Two years ago I insisted that we should revise these by-laws and a committee was appointed to consider these by-laws. But that shows how we started. The whole of last year went by, and this year we were told that the staff was too small and that nothing could possibly be done, unless we had a special man to come and improve our by-laws. A building inspector was advertised for, but fortunately no one has put in an application. I asked why our executive officer did not think it necessary to get a copy of the Nairobi Municipal Council by-laws, and without asking any expert at least make certain amendments to make ours up to date. Professor Thornton White, the town-planning expert, used the word "pre-historic" of the by-laws and said they were perfectly useless. Year after year the Medical Officer of Health has put in his annual report—unfortunately I have not got a copy—in which it says that the building by-laws are to be immediately revised and brought up to date, because no future developments can take place without them.

Traffic by-laws. It is unfortunate that we have not enough police to see whether these are obeyed or not. Then there are our wonderful island designs. Every six months the islands on the roads are first oval or circular, after six months they become rectangular, then quadrangular, and God knows how many shapes they change to. (Laughter.) I persistently have asked them if they could not think of anything better than these narrow islands. Our population is increasing tremendously, and on the Mackinnon Road there is a military establishment with tremendous traffic and there are no pavements, and it is difficult even for the police to control them.

[Dr Rana]

A third thing. The East African Power and Lighting Company have a monopoly for supplying us with light. Whenever they can get the oldest and ugliest poles to carry the wires they are sent to Mombasa. You can see these huge ugly things which have been erected without any regard to pedestrians or alignment of the road. I think they are wise. If I was in their position and had nobody to worry about it I would carry on with it and do the same thing, especially if I had some shares in the company.

That is the administration side.

Regarding our minutes of the Board, due to the war and the activities of various people, when we were in an awkward position, it was decided that they should be made as brief as possible. Now the war is ended, and has been for these six years, we who are elected members have nothing to show people when we stand for re-election. In the minutes there is only one line for any subject, "Resolved and recommended", and nothing of what anybody has said. When I asked a question I was told "Lack of staff". Even the minutes cannot be given to us in complete form. Last year, I am sure he remembers, I approached the hon. Member for Health and Local Government—in May and asked why our estimates for 1949 had not been passed. You can imagine that for four months the whole staff of the Board was held up, no road construction could be done, because the estimates must be passed by the Member for Health and Local Government. He was very annoyed, and I give him credit that he took up the matter very promptly and inquired into the affair, and it came out that the Board was late in sending in their estimates. That is how the second biggest town in the Colony is carrying on.

I do not want to bore hon. members. I could give quite a lot of examples, but, with your permission, sir, I should like to read just two lines which prompted me actually to move this motion in Council, and I must give credit to the Editor of the *Mombasa Times*, which is a European-edited and European-owned paper, in bringing this inefficiency into the open. I would not have dared to move this motion, but one day last year while I was on my way back to Mom-

basa, at Mazeras Station, I got hold of a copy of the *Mombasa Times* and read the editorial, and I was very pleased, and I want to pay my compliments to him for expressing the apathy which has been going on in the Board. The paper is dated 20th August and the heading is "Your Concern. It appears that all is not well with the Mombasa Municipality. We hear rumours of internal dissension, of lack of departmental cohesion and of downright inefficiency. It is suggested in some quarters that there will be no real progress in the Municipality until drastic reorganization takes place", and so on and so forth. It is a long affair. One other paragraph: "During the past two years a number of employees holding responsible positions have left the Board's employment. They include: Mr. D. F. Dean, Assistant Municipal Engineer; Mr. R. M. Dewar, Mechanical Engineer; Mr. H. Watts, Building Foreman; Mr. J. Sinclair, Building Inspector; and Mr. J. Gallimore, Mechanic".

And perhaps many others might have gone. This shows the exact condition and feeling of the ratepayers of Mombasa. I have a tremendous number of cuttings, but I do not want to bore you.

I think I should mention this in order that some of the members may know how things are going. There is the temporary European housing scheme which is of no credit to the Municipality, which the Board built last year. We were told it would cost £7,000, but it actually came to £10,000. I think you would stop me if I read all that is given there. There is a tremendous amount of criticism in the papers.

Coming to the financial side, when we started in 1929 the Board was burdened with a town planning loan of £190,000, the previous local committee having done some town planning in Mombasa. The Marie Louise Road they gave us in the old town cost £40,000, and whatever portion of the town it went through was enhanced in value, but on top of that they gave full compensation. Nobody thought of buying the land to build the road on, or we would have been getting to-day a fair amount of interest. The road is not straight for more than 50 yards anywhere, it is like a dead snake with all its coils. That was built at a cost of £40,000. Now we have a debt of over £170,000. In the beginning

[Dr Rana]

Government was kind enough not to charge any interest, and I think now we are paying not more than half.

Further, our drainage and sewage scheme will require at least half a million pounds. It is very badly wanted, because the island is porous and there are cesspits and wells side by side, and more and more buildings are going up in Mombasa. It is really a network full of contagious diseases. I shudder to think what would happen if an epidemic came and how much this country would lose by stopping exports and imports, because no ship would come there. Up to now we have not even started a sewage and drainage system. More and more houses are going up and more and more cesspits are being dug, and the lower level of the island is being more and more polluted. As I said before, Mombasa does not only serve Kenya and Uganda and a portion of Tanganyika, but there is rumour that another connexion from Tanganyika will be made. It is time that either the High Commission or the home Government gave a special loan to the town in order to have a drainage or sewage scheme.

Then we have, as I said, no decent market; we have no slaughterhouse. We have neither the finance, nor the means, nor the tools to do it, which is the main reason why I have moved this motion, so that the country and Government should know what our financial position is. I may remind hon. members that only last week they passed in this year's budget a sum of £72,000 which is being paid to the Mombasa Municipal Board from the revenue of the taxpayers of this whole Colony, and our whole revenue last year did not come to more than about £167,000. So, if the Kenya Government's contribution is £72,000, it comes to over 40 per cent, or somewhere near there. So I think you are as much interested as we are who live in Mombasa because you are paying a fairly big amount in order to get this Board, and the executive officers, working efficiently. If the commission is appointed and my motion is accepted by Government I hope that we shall be able to get some of the best brains to find out what is going to be the future design of the town.

It has been said that Mombasa ratepayers and their representatives do not

want to have the rates increased. That might have been so during the war, but to-day our rate on unimproved sites—because we removed the improved site rate—is 2½ per cent. The Nairobi Municipal Council, with all its activities, all their housing schemes, markets, and so on, does not charge more than 3 per cent, whereas Mombasa charges 2½ per cent, when half the town is nothing but a slum and a disgrace to any civilized part of the world. Some hon. members probably know the congestion and the old houses in the old town. At one time when we were expecting an invasion in 1940, when I was sitting in one of my well dug-out trenches in my garden, I thought, well if the bomb comes at least it will do good work there, and this blooming old town will be blasted to pieces! Thank God my wish was not fulfilled, but I do request that the time has come when something must be done. In that regard we, as a Board, requested Professor Thornton White to give us his scheme for town planning. It has been submitted, and there again it requires over a quarter of a million pounds. That is our financial position.

Coming to the constitution, our constitution was changed a couple of years ago, and at the moment we have got 25 members on the Board. One is the chairman, who is nominated by the Member for Health and Local Government. We have seven unofficial Europeans, seven unofficial Indians, two Arabs, two Africans, one port representative, five Government members on the Board and one Liwali for the Coast. That is how our number is made up to 25. The Indian members are all elected; of the European members three are elected and four nominated; the rest of the members are all nominated. I am neither flattering anybody, nor threatening anybody, but I must say that the European community—

MR. HAYLOCK: On a point of order, Mr. Speaker, could we not have the interval now?

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

DR. RANA (continuing): Mr. Speaker, when Council adjourned I was talking about the constitution of the Mombasa Municipal Board, and I had come to the number of seats and the composition. The only thing which I wanted to point

[Dr Rana] out-and to have remedied, if my motion is accepted by Government, is that the constitution of the Board as constituted at present requires investigation to see if some improvement can be made in the working of the Board. As I said, I am neither flattering, nor putting any aspersions on the European community. They are, justly, the ruling race, they are the people who, by giving their services to public affairs, have been able to improve the shape and the welfare of the town. For instance, it is well known how people like the hon. Member Mr. Vasey, or the present Mayor of Nairobi, put in so much hard work and time to the public service. Unfortunately, in Mombasa our European community is small, and many of those who are there are in smaller positions, and the big firms which have a permanent stake there are either very busy or they do not come forward to give their services.

As I said, having three members elected and four nominated is rather a peculiar position from my way of thinking. After all, election carries a certain responsibility to the people who give the votes, nomination carries responsibility to the people who nominate them, and the result is that we cannot have a really healthy opposition or criticism of the Board's affairs. I am not here to say that they should be all elected or all nominated. After all, that is up to the European community, but as a member of the Board and one of the ratepayers of the town, in the interests of the welfare and progress of the town I would submit that they must be made to realize their position. We have got some unofficial Europeans, and if the Government could bring them in it would go a long way to getting the interests of the town considered. As an example, during the past two and a half years, out of one dozen European representatives, both nominated and elected, only four have remained there, and the other eight members have been changing constantly. This state of affairs cannot possibly lead to any progress or improvement of the town. After all is said and done, it takes a few months to know exactly what are the rules and by-laws and what is happening, and from that point of view I purposely put in this word "constitution". There are certain other members who think that if there is a European

majority the town will go forward more. There are already 12, the European majority is racial. I personally feel that there is no racial trouble there at all. With one or two exceptions the members all fit together. The whole thing is, as I said, that the members should be permanent and should take an active interest.

If I may be permitted, I would further say that Government should not ignore Mombasa. It is the seaport, it is the gateway of Kenya, with all the amenities of the seaside. I would further say that the climate of the City of Nairobi is changing, and those who have made your homes up-country will require to come down to the coast to take the sea breeze every time the blood pressure rises or anything like that. It is as much to your interest as to the interests of the people living there. (MR. BLUNDELL: Are you looking at me?) I am looking at you especially! (Laughter.)

As I said, it is not my intention to blame any individual, because, as a member of the Board, whatever blame is going to be put I am ready to take my responsibility as a member. But before I sit down I should like to summarize where the defect lies.

The defect actually is not on the members of the Board, it is not only the executive officers, it is not on the Member for Health and Local Government, or the Local Government Standing Committee, but all three are responsible for this state of affairs. I would not say that the members only can do it. The first essential is that we must have as executive officers people with experience and with the necessary qualifications. After all, they are the people who do the work. I do not want to go over the history of the appointment of the present executive officers. I think it is well known what they are as I have given the position, but the time has come when there should be something done to get up properly qualified people with a new vigour and new vitality. It is unfortunate that when these difficulties about the works were brought out the Board appointed a General Purposes Committee to go only into the affairs of the Municipal Engineer and his department. I told them that that was all right, but it is not only the Municipal Engineer and his department, but the whole thing is wrong.

[Dr Rana]

I am not pleading on behalf of our Municipal Engineer, Mr. Macintyre, but when the General Purposes Committee recommendations were being considered he asked the chairman if a commission of inquiry could be appointed. He has been 21 years in the service; whether he was qualified or unqualified, he has been there a long time, and now to kick him and attack him as if the whole blame was on him is in my opinion not fair. Even if a man is going to be hanged he has got the right to appeal, and I would say that by appointing a commission of inquiry it will at least give him the satisfaction of realizing that not only he, but others, have not been pulling their weight. Unfortunately, nobody accepted my motion. I lost by only four votes. Among those who supported me was the representative of the Port Area, Captain Hamley, who represents a very big number of the ratepayers on the Board. When the General Purposes recommendations came before the Board most of the members changed their minds and did not vote on the Board for the dismissal of the Municipal Engineer. We got Colonel Bridger from Nairobi Municipal Council to investigate, and his report is being considered. My whole point is that if the Government would consider it it will be only fair, so that it will be seen that the person on whom the whole burden has been put is not the only one—there are others who have been equally not doing their duty.

Sir, I was told in the interval that I used the word "opportune" in regard to the hon. Mr. Usher. What I said was "at an inopportune moment he has become ill", not opportune. I do not want to cast any reflection on the hon. member. He has recently come, he has been doing his best and he has been doing it in the interests of Mombasa, but in my view, whatever the interests are, the position cannot be rectified unless and until a real and deep probe is made into the whole constitution as far as the financial and administrative side is concerned. With these few words, sir, I take my seat, and would request hon. members to realize that I have not gone into details. I have just made a prima facie case such as an advocate makes in court, and if the case is such that it does require further investigation I will be very pleased to see something is done regard-

ing the progress of the town. There was a time before the war when Mombasa people used to be proud and they used to say to up-country people "sea level and sanity". In my opinion to-day we have changed. I cannot say it is due to the war, but to-day it is "sea level and senility", and that is what is pervading in Mombasa Island.

MR. COOKE: I beg to second. I would like to reserve my right to speak later, if necessary.

SIR CHARLES MORTIMER: Mr. Speaker, I would have preferred to reserve what I wish to say until other members who wish to speak.

THE SPEAKER: The seconder has reserved his speech.

MR. JEREMIAH: Mr. Speaker, in supporting the motion, I have only very few words to say. That is, I support it mainly in the hope that when the commission is appointed we will be able to see how acutely the African location in Mombasa area has been neglected by the Municipality. The position there is that the whole place has no drains; the dirt is left on the roadside for a long time. The place is very hot, it stinks, and the stench of the place is very bad. It is fortunate the country is near, otherwise it would have been really difficult for people to live there. Nothing has been done by the sanitary services with regard to mosquitoes in that area. When the rainy season is on water remains in pools for several hours. The Municipality is supposed to spray the pools, but it is done inefficiently, and on the island disease is prevalent. When the commission is appointed I hope it will go into the matter and try to see that conditions improve.

I beg to support.

SIR CHARLES MORTIMER: Mr. Speaker, I do not feel that this motion should be accepted, particularly in its present form, although I agree with a great deal that the hon. mover has said in his opening speech. I feel that there may be other and better methods of approach to this problem of Mombasa, and it is a problem, and one that has caused me, as Member for Local Government, considerable disquiet. I notice that in the opinion of the hon. mover there is considerable disquiet among all communities at Mombasa. I welcome that assur-



(Sir Charles Mortimer) and I am very glad to see that in somebody's opinion there is considerable disquiet, but my complaint about the public of Mombasa is concerning their long-continued apathy about local government affairs. It is extremely difficult to get the public of Mombasa, of either European or Indian race, to take a real and lively interest in their own affairs. What the cause of that really is, it is difficult to determine.

Some years ago, in the initial stages, all the members were nominated. There was evidence on the part of the Indian community that they would like elections. They got their elections. The European community in some sections did express a desire for elections, and we introduced in 1938 an electoral system. I think there were to be four European members elected out of the seven. First of all the electoral roll was open for applicants. Only about 25 per cent of the people eligible to vote even took the trouble to fill in an application form. An election was due to take place and not a single nomination came forward. The election was postponed for a month and a certain amount of propaganda was done in the meantime, and again not a single nominee came forward. We then reverted to nominations once more for all seven seats. More recently there was a certain revival of interest and we have adopted the present system whereby three are elected and four are nominated, and I assure hon. members it is difficult to find people of the right kind to come forward in Mombasa who will accept nomination to the Board.

I do not think any useful purpose will be served by recriminations and by looking too much into the past. Things have been going wrong. There has been slackness on the part of the Board itself and on the part of the staff. It is no use denying it. The facts are plainly evident. Progress in Mombasa has been all too slow. It is the port of the country, the gateway to Kenya, and is in many respects a poor advertisement for what lies behind. I would like to see things greatly improved, and in order to set about it we recently asked the hon. Member for Nairobi North, in co-operation with Mr. Kent, the Municipal Treasurer of Nairobi, to undertake a fiscal survey and to give us the benefit of their advice

on what should be done. They produced a very valuable report. Some of the recommendations have been acted upon, others are in abeyance.

It was revealed during the past year that all was not well in the engineering department. At the request of the Board I succeeded in obtaining the services of the Municipal Engineer of Nairobi, a very able engineer, to go down to Mombasa and to investigate the engineering department. This he has done and has submitted a useful report, the major recommendations of which have been accepted by the Board. The principal recommendation was that in the opinion of the investigator the time had come when the present Municipal Engineer should retire and his place should be taken by a younger, more energetic and fully qualified engineer, in view of the vast programme of work which lies before Mombasa if it is properly to fill its place in the community life of this Colony.

I am not satisfied with other departments of the municipal staff, and, personally, I think the time has come when drastic changes should be made, but that lies with the Board itself, of which the hon. mover has for many long years been a member. It is difficult for the central authority to interfere unless real scandals are being created. We are talking about local government. In the long run I believe it is true that under our system of local government the community gets the kind of government it deserves. (Hear, hear.) If Mombasa continues to be content with the kind of local government it has got, so much the worse for Mombasa. I would like them to stir out of their present apathy and to take a very much greater interest in their own affairs.

I will not follow the hon. mover into all the details that he brought before us, as most of the statements that he made are incontrovertible. So far as the building by-laws are concerned I have been pressing the Municipal Board for some years to undertake the revision of their by-laws which are obsolete and hopelessly out of date, but no action has been taken by the Board. Nairobi has adopted a fine set of new by-laws which, with comparatively few adaptations, could be used for Mombasa if the Board would only undertake that in a vigorous

(Sir Charles Mortimer) and forthright manner, but the Board has not seen fit to take any action on it so far.

One other matter I would like to refer to, and that is the constitution of the Board. I believe with the hon. mover that a Board of 25 for Mombasa is too big and unwieldy. I would like to see fewer and more vigorous and active members of the Board of all races. Greatly daring, I will also say that I would like to see a certain European majority on the Board, for I believe that one of the causes of the present situation in Mombasa has been the precarious racial balance of the Board. The Board consists of twelve Europeans, twelve non-Europeans plus a European chairman. Among the non-Europeans, and with some of the Europeans, too, there is a retarding tendency. Anything that is going to cost money and might mean an increase in the rates is looked upon with disfavour, and so long as the precarious racial balance continues I believe that situation will continue. I would like to see the Board reduced in numbers with a clear European majority, because, as the hon. mover said, the Europeans are the leaders and I am not talking on racial lines now, it is common sense—the Europeans are the leaders in local government affairs in this Colony, and I think for vigorous development the European community must remain the leaders. If we had a smaller Board with more certainty of making progress I think we should have less difficulty in inducing the right type of European to come forward in Mombasa to apply their brains and their energy to the work of the Board—(hear, hear)—but at present with the feeling of frustration that members get when they get on to the Board it is difficult to induce people to come forward and give their time and their services.

There has been certain criticism levelled at the central local government organization in this matter, and I must admit that organization is not without some blame, but, during the last year at any rate, in circumstances over which we have no control. I would ask hon. members to remember that there have been three officers occupying the post of Commissioner for Local Government during 1949. For the greater part of the year we have been without a Local

Government Inspector, who is responsible for overseeing the financial activities of local authorities; for a good part of the time we have not even had an Assistant Local Government Inspector. There have been two officials occupying the post of Local Government Officer. For these reasons it has been impossible to give the attention to Mombasa that the situation requires. The financial situation of the Board is far from satisfactory. We are sending down to Mombasa next week-end the newly appointed Local Government Inspector with instructions to investigate fully the whole financial situation of the Board and to report to me on what he considers requires attention.

Because of these inquiries that have already been set in motion I do not consider that a commission of inquiry is at present necessary or justifiable, but what I will undertake to do is to refer the hon. member's motion to the Standing Committee for Local Government in municipal areas which, after all, is the statutory body which exists for investigating this very kind of problem, and will ask the Standing Committee to give me their advice on the whole situation, whether in their opinion the appointment of a commission of inquiry is the right remedy at the present time or whether they have other remedies, drastic maybe, that they can suggest, which will effect an improvement in the situation. If they recommend a commission of inquiry I will undertake that that request shall be submitted to His Excellency the Governor, and I have no doubt the advice of the committee will be accepted.

I am sorry that the hon. Member for Mombasa, who is the chairman of the Board, is not here this morning in order to take up the cudgels on behalf of his Board, but I have no doubt that he would agree with the suggestion I am now making, and I trust that in view of this the hon. member will not force this motion to a division or a vote, but will accept my proposals and abide by the result.

MR. NATHOO: Mr. Speaker, while I appreciate the very useful statement the hon. Member for Local Government has made, there are one or two points in his speech with which I could not agree.

The hon. Member has said that due to the apathy of the local residents and

[Mr. Nathoo]  
The Board and the people of Mombasa the position there is bad. That indeed is very true, but if the Central Government feels that the local community is apathetic and that there is no reason to believe that they will wake up and do something to improve the situation in Mombasa, which is not only a local matter but a Colony-wide one, it is the duty of the Central Government to see that measures are taken to remedy the situation at once. I would also go so far as to suggest that if the Government feels that in the local community there is not enough interest in the town's affairs they should go to the official majority and see that something is done. I do not press for a committee of inquiry or a commission at this stage, in view of what the hon. Member has said, but I do hope that Government will give us an assurance that, after all this airing of views and the explanations given by the hon. Member for Eastern Area about the unsatisfactory position, if something is not done by the local people themselves Government will take active measures to remedy the position.

Mr. COOKE: Mr. Speaker, I do not want to prolong the debate, but I would like to say how much I agree with a great deal of what my hon. friend on the other side has said. No matter what kind of constitution you have in Mombasa, everything will depend on the Mombasa people themselves. A few months ago, in language which did not lack emphasis, I told them much the same as my hon. friend has said today: So long as that apathy prevails there cannot be any progress. I do not know what line the hon. mover is taking with regard to the suggestion that my hon. friend opposite has made, but I am inclined to think that would be the best line, to ask the Standing Committee of Local Government to investigate the matter.

DR. RANA: Mr. Speaker, I am very gratified to see that after moving this motion there have not been many speeches, with the exception of those from one or two hon. members. That clearly shows that my object in bringing up the condition of the Municipal Board has really appealed, by their silence or quietness, to hon. members. In other words, they are giving me their blessing, and I am very grateful to them.

There is not much to reply to except that I am very grateful to the hon. Member for Local Government, who has at least agreed that most of the facts which I have quoted are facts which have been known to him. There were many other facts, but I did not like to bore hon. members. Regarding the constitution which he has suggested, in order that I will not be misunderstood among my own community I want to make one more point clear, and that is that in my view it is not the question of the constitution or the membership of the Board which requires a big European majority, but, in my opinion, that the European and Asian community in Mombasa do not take their responsibility seriously. If that point is brought out—and I hope and wish and pray that by this motion a little bit more interest will be aroused among those people—my object will be served. Mombasa is a hard place. We have got so many committees. It is not a question of big memberships or a big European majority. There are every week two or three committee meetings, and I know by 6.30 everyone is longing to go away for their sundowners! That is the whole trouble—nobody wants to take the matter seriously. The European community being not very big, being not very stable, many of them who are in a position to give their services do not come forward.

Regarding the hon. Member's suggestion, I am very glad to see he has accepted my main points and he is conscious of the fact that things are not going well. I will be quite satisfied with that, and it is not my intention to force a division or to ask for the motion to be accepted. I agree to the hon. Member for Health and Local Government's suggestion that the matter should be referred to the Standing Committee for Local Government, if the members would pay a visit to Mombasa and ask various representatives of all races whether a commission of inquiry is essential or not. I do not want the Standing Committee to sit in Nairobi—I do not know who will be the main orator there—and say this thing is not wanted. In fairness to Mombasa I should be more than satisfied if they would pay a visit to Mombasa for a couple of days, and if they come to a decision that a commission is not wanted and produce some other remedy I should be pleased. That will

[Dr Rana]  
give them a chance to press the matter through all the leaders of the various communities and to point out the things which I perhaps have not mentioned here. Many of them I could not mention through lack of time. I hope the hon. Member will give me that assurance, and if that is done I have no intention to force the issue.

I would like to make one point absolutely clear—that I do not consider it is quite right to put the blame purely on the members of the Board. I wholeheartedly agree that the members of the Board are guilty people, but then, on the other hand, the Member for Health and Local Government has allowed these members of the Board to keep on unqualified people, to give them latitude to do what they like, and I am sure if he had used his mature experience in some of the things which he could have done we would not have been put into this awkward position. After all said and done, in the case of any disease the people of Mombasa cannot diagnose their disease, and we expect the Member for Health and Local Government, who is the responsible Member and who is contributing to the Municipality from the revenue of the Colony, to have a say in the matter and instruct some of the Government representatives to do their duty. But unfortunately that has not been done, and the result is that the matter has been going on and on.

Regarding the question of the constitution of the Board, the European community, I may openly say, are the leaders. They are the rulers and we expect a lot of things from them, but one point I will make—that unless they give proof of their real interest in municipal affairs it is no good letting the position go from bad to worse. It is no good giving us members who again will allow the thing to go on as it has been. As I submitted, sir, there is no racial question. We always support the European members or any other member whom we come across.

With these few words I am grateful to the hon. Member and would request him to get the committee of the local government to visit Mombasa before deciding whether the commission is required. With those words, I am grateful to the members of this Council for giving me their

support in a very silent and in a very nice way.

SIR CHARLES MORTIMER: I do not know whether I am in order or not, but may I have your leave to reply to the hon. member's inquiry?

THE SPEAKER: You are in order.

SIR CHARLES MORTIMER: I cannot dictate to the Standing Committee how and by what method they shall undertake the investigation that I may ask them to do, but I will put the hon. member's suggestion before them, and no doubt they will view it sympathetically.

THE SPEAKER: I take it that the hon. mover now wishes to withdraw his motion?

DR. RANA: I will if necessary.

THE SPEAKER: With the leave of Council the motion is withdrawn.

### TAKAUNGU CAUSEWAY AND BRIDGE

#### MOTION FOR RECONSTRUCTION

MR. COOKE: Mr. Speaker, I beg to move: That in view of the important industrial developments taking place north of Kilifi Creek the construction of the causeway and bridge at Takaungu should take place without delay.

I make no apology for bringing this motion in this Council. It may be said that it is a parochial one, but nevertheless it concerns the interests of many thousands of people who use the road north of Mombasa, and those people have been very vexed for many years past and, indeed, frustrated, and frustration turns almost into anger, at the lack of these amenities, that is, the causeway at Takaungu for which I am now pressing. I am afraid that I must give a little, and I promise that I will not waste time, of the history of the matter.

Some time in the early 20's, it was decided that a motor road should be constructed from Mombasa to Malindi, but one of the impediments in that motor road was what was called Takaungu Creek. Government first tried to put up a causeway over that creek which would carry motor cars. They constructed a causeway which was below the tidal level, and there was a gap in the causeway of about 20 feet which was girded

[Mr. Cooke] by two D or T girders; on those girders the cars used to pass over. As naturally happens, owing to the tide that bridge or girder, or whatever you call it, could not be used for 14 hours out of the 24. In the late 20's Government decided to build a causeway, and built a solid embankment across the creek, leaving no opening. This embankment was two feet above the tidal level. The engineers in those times took no account of the fact that the Takaungu Creek is the end of a dry river bed which drains to a very large extent the country in the hinterland, and when the first heavy rains came this embankment—at least it was an attempt—could not withstand the tremendous pressure of the very heavy monsoon rains, and a rift occurred naturally in the middle of it, about 45 feet broad. Government were warned at the time, or rather the Public Works Department, that this might occur, but they were apparently singularly unimpressed by the fact that this dam would be attacked as it were from the land side. It was always the contention of those intimately concerned with this road that this was the initial mistake made.

There was strong pressure at the time that the breach in the same should be bridged to the 45 feet, but Government decided otherwise, and I may say that the breach remained there for many years, showing that it only wanted the release of the water from the hinterland to preserve the remaining walls of the dam. This dam, that is all it was, when first built was mainly composed of large stones backed with rubble and no cement, except at the top level of the dam. I may say that at the time when representations were made to the District Engineer, Mombasa, and he was asked to use what influence he could to have this embankment reconstructed, he made use of the expression "You cannot expect a dog to return to its vomit". We feel that the threat inherent in that, I might say, rather unsavoury metaphor has been behind—and I hope the hon. Special Commissioner for Works will excuse me—a good deal of the subsequent decisions that a "dog does not return" as it were. To add insult to injury, the Public Works Department started dismantling what remained of this magnificent structure and using it for road work elsewhere, so, as the local

people thought, to make it perfectly certain that the dam could never be rebuilt!

A way round was found, an alignment starting 28 miles from Mombasa, and I may say that is where two roads now bifurcate, one going to Takaungu six miles away, that is 34 miles from Mombasa, and the other to Kilifi Creek, which is 12 miles away, or 40 miles from Mombasa. I know what corkscrew roads are like, being born in the west of Ireland, and this is probably the worst of its kind, and certainly the worst I have seen. It wanders through miles of uninhabited country over hills and down dales, and it is a matter of extreme danger for motor cars on that road. Not only that, but it cost a tremendous amount not only to construct but to maintain because the hills were so steep that a tarmac surface was necessary on a great many of them. This is not a figment of the imagination at all. The people, and there are thousands in that vicinity, Malindi to Mombasa, have sent in a multiple petition to His Excellency on the matter, the Coast Development Committee, a committee composed of the elected members for the coast plus the Liwali, with the Provincial Commissioner as chairman, in the past year passed two very strong resolutions unanimously in favour of building this causeway. That resolution had not only the support and agreement of the present Provincial Commissioner, but even had the support of my distinguished friend on the other side, the hon. Chief Native Commissioner, who was then Provincial Commissioner in Mombasa, so that there has been unanimous support by the people most concerned for the construction of this causeway and bridge. There are many interests involved.

This causeway is on the main road right up to Lamu, and at Lamu besides the very considerable Indian and Arab interests, there is a big estate being developed at Witu by a European company. There is an application for 50,000 acres on the Tana River by a European syndicate for raising cattle and growing certain crops. There is under consideration by an Indian firm the establishment of a sugar estate on the Sabaki River. At Malindi a ginnyery, which not only gins cotton but supplies cotton seed to my friends the cattle farmers on this side of Council. All the traffic must go

[Mr. Cooke] and along the road I am proposing. There are at Malindi five large hotels, and there is a European settlement there now. At Kilifi an important industrial development has taken place, as the hon. Member for Commerce and Industry knows and supports. There will be ready in six months' time two big factories, one canning pine-apples and the other cashew nuts. Recently, an important estate at Teita moved two million suckers—(laughter)—pine-apple suckers, down to the coast to plant many thousands of acres in the Kilifi district. There are other developments I am not at liberty to mention in this Council, but they are developing. The target of these big companies established at Kilifi is to produce 20 million tins of pine-apples a year.

This road, the old road which went through Takaungu, is on a dead straight line, and it is practically level, it has no hills. The other road is, as I say, a corkscrew road of the worst description. The Takaungu road as it was first laid and has just been measured is two miles short of the other, that means four miles on the return journey, that means a saving which has been calculated at five shillings a journey per car using that particular road. It also means about a quarter of an hour's saving in time.

There has been put up a proposal, of which I think the hon. Special Commissioner for Works is one of the backers, of abandoning the present alignment and making what some people in this world love, and that is a compromise, and have a compromised alignment in place of the present one. That compromise alignment—my hon. friend is an engineer and knows, and it is no use me criticizing it, although it has been criticized by competent engineers—that alignment proposed will cost £35,000. The proposal that we have made will cost according to the papers put in front of the Standing Finance Committee this time last year—and I emphasize that because there have been so many changes in the Public Works estimate—the alignment we propose will cost £45,000, that is £10,000 extra, and it would have all the extra amenities I have mentioned. We also feel, and this is a point I must make, that this £35,000 if expended on this compromise alignment will almost certainly

be wasted in a few years, because as the traffic is developing very rapidly from Lamu, Malindi, to Mombasa, eventually we shall have to build the causeway which I am now advocating, and that would mean that that £35,000 would go down the drain; because the proposed alignment for the most part goes through uninhabited country.

The old alignment goes through the large village of Takaungu, which has a post office, and it is an important village which produces a lot of copra. It is the line followed naturally by the telegraph service and it is the line which it is proposed should be followed by the Electric Power and Lighting Company, who, in consequence of this development, propose within the shortest time possible to bring their power to Kilifi. Those services would all have to follow this alignment. The distance is one of importance—the extra two miles. It is a great deal more than an extra two miles when the District Commissioner wishes to visit Takaungu, as he often does, by car. It means he has got to go 12 miles along the present standing alignment and six miles back again to Takaungu. That is 18 miles, whereas if the alignment which I am suggesting were adopted he would only have to go four miles. That is a considerable difference to a District Commissioner who has to visit that town of Takaungu fairly often. It applies the same to inspecting officers from Mombasa. If they are going up north inspecting they have got to turn right at Mile 28, then proceed six miles to Takaungu, go back again six miles and rejoin the present alignment. Those we consider to be very strong arguments in favour of the expenditure right now of this extra £10,000.

I know my hon. friend—or I suspect my hon. friend will try to argue that that £10,000 is really £15,000. That may or may not be so, but I have a right of reply and I have here the estimates which have been made. I know very well estimates do change very much, but they cannot change quite as much as all that. There is one point I must mention. I must say this matter has been before the Central Roads and Traffic Board and has been turned down by them. I think the main reason is that the present traffic density does not in their opinion justify this Takaungu Causeway at the present

[Mr. Cooke] moment, but my submission is they have been unconsciously influenced—I am not putting any blame for this on to the Public Works Department in Mombasa—by a complete misstatement of which I asked my hon. friend to give an explanation. The explanation has not yet been given of this complete distortion of the facts which were presented at the Standing Finance Committee this time last year. I have a copy. The Central Roads and Traffic Board were asked to believe that the six miles which I have mentioned—an existing road, dead straight, without any hills, which is used to-day by motor cars—that six miles would cost £30,000 to construct. Fortunately the District Commissioner sent a copy of this fantastic figure to the Development Committee in Mombasa, and I have never seen men so shocked in my life when they realized that such a memorandum had been put up to the Central Roads and Traffic Board. Of course, the matter was brought at once to the attention of my hon. friend the Special Commissioner, and he acknowledged at once, as he would, that a mistake had been made, and that that £30,000 should have been something less than £5,000.

That was a paper put up to the Standing Committee on Roads, stating it would cost 500 per cent more in the estimate than was really justified! It has never been explained. I asked him if he can explain that discrepancy. I have already mentioned the remark about a dog's vomit by the engineer at Mombasa, and this seemed to us at any rate to have carried out the hint implicit in that remark. It naturally made us very suspicious that such an appalling, fantastic mistake should have been made—to say that it would cost £30,000 to build six miles of an already existing road. Of course, the Road Board must have been pretty shocked when they saw that, and I doubt if many of the members have got over that shock since. At any rate it did present a completely false and distorted picture, and that kind of thing has naturally made people living in those parts very distrustful of estimates which are put up now.

It is said that if the Takaungu Causeway is reconstructed it will be necessary to build a bridge 800 ft. long. (MAJOR KEYSER: 600 ft.) Our contention is this,

and I made this point to start with—that the fissure or breach made was only 45 ft. in extent, and the causeway thus breached held for several years against the heaviest rains. Therefore we cannot see the necessity—and I do not want to argue with my friend who is a technician—we find it difficult to see the necessity of an 800 ft. bridge where a 45 ft. aperture had been sufficient to let the floods through in the past. We feel that even the £45,000 which is recommended to complete the causeway, if it is estimated on that basis of an 800 ft. bridge, could easily be cut down. Then it would be a difference of even less than this £10,000 which has been envisaged. One of the arguments put up at meetings I have attended was that any rate there would be a great lack of steel. Anybody who has read this week's *Economist*—which has just arrived from England—my hon. friend will probably bear me out—will see that there has been such an improvement in the steel position that in three years' time, accumulating all the time, there will be a world surplus of eight million tons of steel, so the question of a shortage of steel is an argument which will not carry much weight.

To finish, I would just, if I may, summarize the advantages of my proposal. Some of them I have mentioned and others I will mention now.

There will be a saving of over four miles there and back. This would mean five shillings per lorry freight and a quarter of an hour roughly in travel time. It will serve a large village and a large sisal estate. A large European sisal estate has been completely by-passed by this twisty, turning road, and the Takaungu proposed alignment would go straight along the old route on the sisal estate. (You can imagine the amount of expense put to that estate.) It will eliminate hold-ups on account of weather conditions. It will give, as I said before, a dead straight line, and one which has hardly any inclination, any hill, on it. It will follow the natural line of communications—the telegraph line, the electric power communications—instead of winding into the blue. It will save present ferry expenses. At Takaungu at present there is a ferry—if the bridge is built it will save it. It will justify a scheduled passenger service between Mombasa and Malindi at Lamu. At pre-

[Mr. Cooke] sent, as they cannot pick passengers up at Takaungu, it is difficult to establish a passenger service which would justify the schedule. It would reduce the upkeep of roads in that area quite a bit because this proposed Takaungu route, being straight and broad, requires very little upkeep. From a scenic point of view it is much more attractive, because instead of winding miles inland the road would go close to the sea, and it will open up to residential settlement the land round about Takaungu. Last and not least, it will meet with the unanimous wishes of the inhabitants of that part of the country. Therefore, sir, I beg to move my motion.

DR. RANA: I rise to second the motion moved by the hon. Member for the Coast. I think he has fully dealt with the advantages of the causeway. I can only add that since I have been a member of this Council, in the course of the Development Committee or wherever the meeting has been held I have always listed the causeway as being on the agenda. At one time I got fed up with the business and said to the chairman, "Cannot something be done with regard to this matter?" I fully support, and all the members of Mombasa and the coast of all races are fully unanimous in the view that this causeway is essential and that it will be to the interest of the coast. I am not in a position to say why Government, and in particular the Public Works Department, is putting any obstacle in the way, and I will be very glad to hear what they have got to say, but I am convinced that the causeway could be built with a smaller amount of money, and sooner or later it will have to be built. As has been said by the hon. mover—and it is not a new story—the coast has got a great grudge that requests about anything reasonable are not accepted either by this Council or by the Government. With those few words I will second the motion.

MAJOR KEYSER: Mr. Speaker, I rise to support the motion, and have very little to say in view of the very excellent case that was put up by my friend the hon. Member for the Coast.

A few months ago when I was staying at Kilifi he wrote to me and asked me to go and see the Takaungu Causeway and

compare the site with the present road site, and in company with a few residents of Kilifi I did go and have a look at the two sites, and I agree with him that there is no question in my mind of the advantage of the road going over the Takaungu Creek. The argument really could only devolve on a question of cost. I then had access to the memorandum of the Road Engineer in which he had given the comparative costs, and I must say I was most surprised to find that he advocated a bridge of 600 ft. (600 ft. was my recollection and not 800 ft. as the hon. member has said). The information that I got at that time differed in another slight way from that of the hon. Member for the Coast, in that I was told that when the causeway had been built by the Public Works Department they did not leave it with an opening for the water to pass through; they considered it then and actually put in six 2 ft. 6 in. corrugated iron culverts. The engineer of that day who thought that six 2 ft. 6 in. culverts would take all the water differed in his opinion very widely from the present Road Engineer, who thinks that we should try and strike a happy medium in between the two. Looking at the bridge and looking at the amount of water that came up, and getting a certain amount of information there, I was told that the water rose to a maximum of 12 ft. about low tide, so that it did strike me that a 60-ft. bridge with a carriage-way about 18 ft. to 20 ft. above the bottom, the low-tide level of the creek, would certainly carry away all the water. Since the calculation had been at that time that the bridge itself would cost £35,000, presumably a tenth of 600 ft. would only cost £3,500, and would therefore make the Takaungu Causeway route very much cheaper, very much safer and far shorter than the present route.

Sir, I beg to support.

MR. MOUSLEY: In supporting this motion of the hon. Member for the Coast, I do feel that the roads at the Coast have not had a square deal in the past. Roads are vital to the lifeline of Kenya in every way; roads of communication are essential not only to the producer but to the consumer. Therefore I do feel that this causeway should be built, especially on the arguments put up by the Member for the Coast.

[Mr. Mousley]

When you come to analyse roads in Kenya you find that whenever money is asked for to put up an estimate it goes forward and is blue-pencilled by half. I do feel that it is high time that hon. members on the other side should realize that roads are the most important thing in Kenya. (Hear, hear.) When you come down to analyse the road system of the coast, what do you find when you do go down there? Difficulty in getting anywhere. You find a bridge that you have got to pay through the nose to get across, then you find you are held up by winding roads and by ferries. Here is a project which is being demanded by the public of that district and of the coast as a whole. I cannot see that anybody in this room could possibly say that it is not a very fair and just demand that the public in that area should be assisted so that they can open up the coastal area, develop it and, if I may say, encourage settlers to go down there, to take up land and make a good living. The whole of the coastal area depends on roads, and roads are the main things. Here is one of the main roads asked for, and I do sincerely hope that everybody in this chamber will support it. With that, sir, I will support the motion.

SIR GODFREY RHODES: Mr. Speaker, I am going to try in my part of the reply to this debate to deal with the engineering aspects that have been raised and to clear up certain misapprehensions, and leave the question of the broader policy to my hon. friend the Chief Secretary to deal with.

We have heard a good deal of history with regard to this unfortunate causeway of Takaungu, and much of it—probably most of it—is completely accurate. I am glad to hear that my hon. friend the Member for Trans Nzoia did point out that there were a few culverts put under this original causeway, and just what the story is behind that job I am afraid I do not know. It is possibly again one of those jobs that were undertaken in a hurry to give what was considered reasonable access to that part of the world at the time, but we now are trying to learn from what has happened as a result of that history. We do know that that causeway was breached by a flood which was said to be an abnormal flood, but I am inclined to think it was

a normal type of flood that we must take into consideration when designing a bridge for that particular site. It is said, too, that the breach made in that causeway was some 45 ft. only, and therefore a bridge to give reasonable security would not have to be very much greater than 45 ft.

I think I must disagree with the hon. member on that point, because the moment you start to put in foundations for a bridge you have to take into consideration the velocity of the water passing under it, and while 45 ft. at a high velocity might perhaps pass it would be certain to underscore the abutments of that bridge, and therefore to avoid undue expense in going down very deep in an area like this where, as far as we know, there is no bottom within reasonable depth, we would have to increase the spans of the bridge in order to reduce the velocity and so prevent that scouring.

At the present time we have no real facts to design a bridge upon. We have based our figures which we have given to you on what we know of the situation and what we feel are safe figures before a proper survey and before proper planning is undertaken. In our report to the Central Roads and Traffic Board it is stated that a crossing over this creek would have to be 600 ft. long. By that we do not mean to suggest that the whole of that crossing would have to be a bridge. That would not be so on present information. We might get away with a bridge that would be something under 200 ft., possibly even 150 ft., depending upon what our final plans and what our surveys show. But in preparing this estimate of £35,000 for the bridge we have assumed a bridge with reasonable abutments, with reasonable foundations and with possibly a clear span of 150 ft. up to 200 ft., and on that basis we have assumed a figure of about £35,000 in order to give you a fair picture of what the costs are likely to be. A survey might enable us to cheapen the bridge or that might even force us to go for more expensive foundations or to make the bridge a little more expensive than the figure given to you. We do know that going down to at least 60 ft. on that particular site we have not been able to find any solid foundations.

[Sir Godfrey Rhodes]

I would like to make it quite clear that this figure of £35,000 which we now give you for the cost of this bridge is the best figure and the fairest and most honest figure we can quote to you for the probable cost of such a bridge with the information that we have at our disposal. We have also pointed out that this would be a single-way bridge. If you want to have a double-carriageway bridge you will have to pay a good deal more, but the price that we have quoted is for a single-way bridge, which means that traffic could only pass under regulation or control when it is going in opposite directions. The causeway to connect the bridge with the two shores would not create any serious difficulty. It would be a question of filling in with suitable stone as was done before.

MR. HAVELOCK: Would that be a single-way or double-way?

SIR GODFREY RHODES: That would again depend on the amount of money you were prepared to spend. We have assumed this will be a single-way causeway.

On the creek scheme there would be also seven miles of road to connect up. We have got to get a right of way of about a mile and a half through a sisal plantation on the north bank of the creek. We have not estimated for that, but we assume that that right of way will be given to us without difficulty by the owners of that plantation in view of the fact that they are anxious this road should go that way. As my hon. friend has explained, this route would link up Takaungu village and would therefore place that village on the map. I would only like to say at this point that even on the deviation route the village was not very far from it. (MR. COOKE: I beg your pardon?) The deviation is not very far from the bridge even if you adopt the deviation, and it has been known in the past that by-passes have usually had to be built afterwards to avoid going through the middle of towns. Whether such a situation would arise here in the future I do not know. Anyway, the final figures for the creek scheme, as near as we can estimate it, is £35,000 for the bridge and causeway, and seven miles of road costing £14,000, or a total of £49,000. That is the fairest and best estimate that we can give you.

If I may turn to the question of the deviation, this again is not the result of surveys; it is the result only of passing over this road and visual examination of it, but the figures are more likely to be correct than the figures for the bridge, which are largely guesswork. The deviation we estimate will cost £30,000, and the deviation therefore is some £19,000 in hard cash cheaper than the bridge route. The deviation, moreover, can be carried out over a period of years. We would recommend that about £10,000 should be spent in the first year in order to get rid of the worst sections of the present road, and I would like to point out to hon. members that when that work is done the change in the aspect of the present route will be considerable. Curves will be eased, the grades will be eased and there will, in fact, be no traffic problem there of any kind different from what you find in other parts of the Colony where roads of that type are being built.

It is a little difficult for members not to be influenced by the present difficulties of the existing route which are admittedly big. The expenditure of £30,000 on the deviation on the lines that we suggest will give you a road which presents no traffic difficulties of any kind. Those are the facts on which you should base your decision as regards policy.

Speaking on behalf of the Public Works Department, nothing would delight us more than to build an interesting bridge. We like building bridges if you will give us the money to build them, and we would much prefer to build a bridge from that point of view than just to improve a road. However, there are the facts for you to base your judgment on.

There is one other aspect of this road which I think I ought to mention before you decide on policy, and that is this. This coastal road is admittedly a road of comparatively low capacity. By that I mean that the loads that it will take because of the bridge over to the island and because of the ferries will probably not exceed 10 tons in any one vehicle. That means that it will never become the heavy traffic road that the coast as some future date may require. If that heavy traffic road is ever needed for local reasons or for strategic reasons, it is more likely such a road will be built from an

[Sir Godfrey Rhodes] inland point such as Mazaras or Mariakani where we have not got any of these bridge crossing difficulties.

The other final point I would like to give you in order that you may appreciate what this road is going to do is to quote a few traffic figures. The present road is carrying some 68 vehicles a day at the present time. It is agreed that, with the development of the coast on the lines my hon. friend has suggested, this traffic will undoubtedly go up, but 68 at the present time is a very low figure. It compares with Nakuru-Solai, 586 vehicles a day; it compares with Nakuru-Thomson's Falls, about 349 vehicles a day; Nakuru-Thomson's Falls, 225; and Thika-Sagana, which is a road we have heard quite a lot about lately, is 142 at the moment. Most of our roads that we have taken figures for, vary from 200 up to 500 vehicles a day. It will be some considerable time before this road reaches that figure. But even if we decide to carry out a deviation because of the reason of cost, there is nothing to prevent the Takaungu bridge being built at some future date if it is considered necessary.

I think those are all the engineering facts which are necessary to enable members to come to an appreciation of these two alternative schemes. I do not think there is anything else that I have to say with regard to the points made by hon. members except—

**THE SPEAKER:** As the hon. member will certainly be some time and it is the normal hour for adjournment, I take it this debate will be continued to-morrow.

**SIR GODFREY RHODES:** I have just about finished. I want to confirm the extra length will be three miles—the greater length of the deviation over the straighter Takaungu route will be three miles. I do not think there is anything else I have to answer.

The debate was adjourned.

#### ADJOURNMENT

Council rose at 12.50 p.m. and adjourned till 10 a.m. on Wednesday, 18th January, 1950.

#### Wednesday, 18th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Wednesday, 18th January, 1950.

Mr. Speaker took the Chair at 10.10 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 17th January, 1950, were confirmed.

#### SELECT COMMITTEES

MR. RANKINE reported that the Sessional Committee had appointed the following members as the select committee to consider the Immigration (Control) (Amendment No. 2) Regulations, 1949, and the Immigration (Control) (Exemption) (Amendment) Regulations, 1949: Hon. Attorney General, Chairman; Messrs. Hyde-Clarke, Erskine, Havelock, Patel, Nathoo and Ohanga.

#### ORAL ANSWERS TO QUESTIONS

##### No. 97—CEMENT SHORTAGE

MR. PRESTON:

Is Government aware of the acute shortage of cement in the rural and up-country areas? If the answer is in the affirmative, will Government state: (a) to what causes they attribute the present sudden shortage; (b) what steps are being taken to remedy the position; and (c) when they anticipate cement being in free supply once more?

MR. HOPE-JONES: Government is aware that there is some shortage of cement in the rural and up-country areas. This is due to the fact that although it is estimated that 136,250 tons of cement were imported through Mombasa during 1949, as against an estimated requirement of 120,000 tons to meet the needs of Kenya and Uganda, the importations have not fully met demand throughout the period, and following the introduction of a control on shipments necessary to prevent congestion at the port somewhat smaller quantities entered the Colony in the later months of the year than in the earlier months. On the 31st December, there were some 9,377 tons of cement awaiting off-loading at Mombasa and a further 10,694 tons are expected to arrive during January and

[Mr. Hope-Jones]

11,500 tons during February. The limiting factor with regard to the local availability of cement is not so much the world supply position as the amount which can be physically handled through the port of Mombasa (having regard to its other commitments) and distributed up-country. This situation will improve as additional locomotives and rolling stock become available to the East African Railways and Harbours Administration. In the meantime, Government has directed that distribution control of supplies be re-imposed.

MR. BLUNDELL: Arising out of that answer, is there any truth in the rumour that a large quantity of cement was released to Uganda at the request of the Uganda Government?

MR. HOPE-JONES: The rumour has a somewhat unfortunate basis in making allegations of that kind. I do not believe supplies of cement to Uganda were any greater than their priority need.

MR. BLUNDELL: Arising out of that answer, if I may put the question more specifically, Has the shortage of cement in Kenya in recent months been conditioned by a sudden priority demand of the Uganda Government?

MR. HOPE-JONES: I would not say that the shortage in Kenya has been only due to the point the hon. member has referred to. As I said in my original reply, the problem has been one of handling shipments as they arrived at the port in view of other commitments, for instance exports of various crops and the handling of other priorities. But undoubtedly there was a demand from Uganda for a cement priority that was a little in excess of the original estimate. (Laughter.)

MR. BLUNDELL: That is the answer!

#### COFFEE (FINANCIAL ASSISTANCE) ORDINANCE, 1944

##### £25,000 MADE AVAILABLE

MR. PADLEY: Mr. Speaker, I beg to move: Be it resolved, that a sum not exceeding £25,000 shall be made available from the general revenue and other funds of the Colony and placed at the disposal of the Land and Agricultural Bank of Kenya as agents for the Government of the Colony for the purpose

of giving effect to the provisions of the Coffee Industry (Financial Assistance) Ordinance, 1944, as amended by the Coffee Industry (Financial Assistance) (Amendment) Ordinance, 1949.

In view of the passing by this Council in recent weeks of the Coffee (Financial Assistance) (Amendment) Ordinance, this is really a formal motion. Members will know that the measure to which I have referred provides that loans may be made to coffee farmers on certain terms. The funds necessary for such advances can only be made available by resolution of this Council, and the resolution now before Council is introduced on the recommendation of the Standing Finance Committee.

MR. RANKINE seconded.

The question was put and carried.

#### TAKAUNGU CAUSEWAY AND BRIDGE

##### MOTION FOR RECONSTRUCTION

The debate was resumed.

MR. JEREMIAH: Mr. Speaker, in supporting the motion moved by the hon. Member for the Coast, I have only very few points to mention. One is that the motion has been brought after the matter has been discussed at the Coast for a very long time and no action has been found possible. We strongly deplore the proposed realignment instead of having the causeway put right, because that realignment is going to by-pass a certain village and trading centre. Another point is that the causeway is regarded as shorter, straighter, and more suitable to the road user. I am glad that the hon. Special Commissioner has said that they are prepared to build bridges, and it is my hope that Government will accept this motion and provide the funds for the work. If we look at the benefits of this bridge, we will find that the extra cost of it is not extra really, because by shortening the road by four miles there will be a saving by car users. Suppose we take the minimum of 60 cars a day, and four miles per car amounts to 240 miles, at about Sh. 5 per car, so that there is a saving of Sh. 300, which is not a small amount.

There will also be the trade which will accrue to the people of that village by giving them a chance to send their

[Mr. Jeremiah] produce to the main centres, which will also be very valuable. Beside that, to by-pass this village I am afraid is going to make it unproductive and almost forgotten altogether. Furthermore, the Coast is capable of development, and this motion should be accepted because without this road that development will actually be slow. The suggestion that we should have a main road from Mariakani is not very sound, because settlers from up-country especially could not be expected to go to Lamu or Malindi without seeing the main port of Mombasa—(laughter)—an historical place, and Mombasa would be neglected, and many children from up-country would not see the place. This road will be of benefit to everyone with regard to seeing the place and shortening the distance. At the Coast we regard this as a very important matter, and I believe that Council as a whole will support the motion.

MR. NATHOO: Mr. Speaker, in rising to support the motion I should like to say that it is very fortunate that the cost of the road has been over-estimated, because there is an impression in the minds of a lot of the Coast people that the present cost which has been suggested is rather on the high side. For that reason I would appeal to the hon. Special Commissioner for Works to go further into the matter and to make sure that the figures that are given now are reasonable figures so that when we come to consider them we will be able to accept them.

Once we know what the actual cost will be, then I think we can make up our minds whether we are in a position to spend the money. I would therefore appeal to Government to scrutinize the estimates very carefully and to give us the proper figure for the road and bridge. With those words I beg to support.

MR. RANKINE: Mr. Speaker, this question of the construction of the Takaungu Causeway, as hon. members know, has been the subject of many discussions and investigations. It has probably occupied more time, in relation to its importance, of all the persons concerned and of the Central Roads and Traffic Board than any other subject. I think it is safe to say that it has been exhaustively examined by the Central

Roads and Traffic Board and that Board which is the proper statutory authority to advise the Government, has given a decision on the subject. Now the local people do not like the decision, and the member for the constituency has quite rightly brought the matter to this Council. The only thing that has surprised me is that so many members of the Council have apparently agreed to support it without hearing both sides of the case, and I do suggest that before hon. members come to a conclusion on the subject they ought at least, in fairness, to hear the other side of the case. (MR. COOKE: They have come to no conclusion so far.) Many of them have expressed an opinion. (MR. COOKE: Oh, well, naturally.)

I think at any rate we ought to admit that the member has made his case very well. (Hear, hear.) He has done it in a very reasoned and moderate manner and extremely eloquently. But, as I say, before we make up our minds I think at least we ought to hear the other side.

Now, I would be the last to deny that the present road is unsatisfactory, or that a causeway and a bridge across the creek somewhere in the vicinity of Takaungu is the ideal, but what we have really got to decide—the real issue on this question—is whether we can afford to build the bridge and the causeway, whether the additional funds which are required for that purpose can be justified. That is the real issue and I hope it will not be confused.

I think most hon. members know the configuration of the coast in that area fairly well. The coast is fairly low lying and it is cut by a large number of inlets and creeks. Obviously, if it is practicable, it would be much better to make the road along the coast. Quite apart from anything else, most of the development and the settlement at the present time is along the coast. But unfortunately there are disadvantages. There are large creeks and rivers to be bridged, and that is an expensive business, and it is much easier to make a road further inland where these handicaps do not exist.

There are a large number of alternatives, but to all intents and purposes, for the purpose of our discussion to-day, there are only two. Firstly to re-align

the present road. As I have said and as my hon. friend the Special Commissioner for Works has pointed out, the present road is far from satisfactory in many ways, but it could be very greatly improved. The second alternative is to build a causeway and a bridge, as I have said, somewhere in the vicinity of Takaungu.

The Member moving the motion has produced a number of arguments for following the alignment through the village of Takaungu. With some of them I would agree; with others I cannot. One of the arguments he produced was that the road should follow the same line as the telegraph lines and the power lines. Well, I cannot agree with that because telegraph lines and power lines, obviously, whenever possible, follow the shortest possible route. They go over hill and dale, and it is very much easier to take a telegraph line over difficult country than it is to build a road, and I think it would be a most fallacious argument to suggest that roads ought to follow telegraph lines wherever they go. Admittedly there is a certain amount of convenience in having the same alignment for them both, but generally the reasons are the other way round: that the telegraph and power lines follow the alignment of the road, and not vice versa.

Also it has been suggested that the road should not by-pass the village. Well, obviously, if it is possible and is not unduly expensive, the road should go as near as possible to the village, but I would certainly not agree with those who suggest that it should not by-pass the village, because in my view, wherever possible, the main trunk roads ought to by-pass the villages, and I believe that anyone who has travelled along the road between Mombasa and Malindi and seen the narrowness of the road and the great congestion that there is, and the danger to life at the villages through which the road passes, would certainly agree with that suggestion.

My hon. friend the Special Commissioner for Works has given us the facts and figures. I know that many amateur engineers would dispute them and have better ideas as to what bridges should cost, but I do suggest that for the pur-

pose of making a decision on this matter we ought to follow the best possible advice. The Member in moving the motion alluded to what happened when the first causeway was built, without proper design, and I certainly hope that that mistake will not be repeated again. The hon. Commissioner has stated that in his view there is a difference of approximately £20,000 between the one scheme and the other, and I suggest that we ought to accept that—(MR. COOKE: I do not think he suggested that yesterday)—as reliable. As I said, I do not deny that the second scheme is the ideal, but as pointed out the real issue is, can we justify the extra £20,000 on this scheme as opposed to the first, particularly when we know that there is such an urgent need for roads all over the Colony and that if we spend the extra £20,000 on this road all it will result in will be that some other road a little further down the list will have to come out altogether.

Now, do not let us make any mistake about that. It will merely mean that another road a little further down the list will come out.

The hon. member in moving the motion, as one of his arguments said that the local people wanted it, therefore they ought to be given it. Naturally the local people want it, and if there are two schemes, naturally the local people would like the better scheme. They would hardly be human if they did not except, of course, that the local people presumably assume that the cost of the scheme will not fall directly upon them, that it will come out of the general taxpayer's pocket. If it was a case of the cost falling directly upon them it may be they would take a slightly different view, but we certainly could not blame them for wanting it and pressing it as hard as they can. But I would suggest that if we are going to give local people everything that they want, we had better double our income tax straight away. I would agree that we ought to go on for the better scheme, other things being equal and money no object, but as I have tried to point out, unfortunately other things are not equal and money is an object. Moreover, this money is the taxpayers' money, and we in this Council have a special responsibility with regard to the spending of it.

[Mr. Rankine]

We have not only got to see that we get the best value for the money, but we have also got to see that we do not spend any money that is absolutely not necessary. (MR. COOKE: Hear, hear.)

One thing in relation to this question is standing out a mile, to my mind. We all know that there is not enough money in this Colony for capital development. In my position as Member for Development I only wish there was, and if anyone would double the funds at my disposal to-morrow nobody would be more delighted than I would be. But unfortunately there is not enough, and during the last few days in collaboration with the hon. Financial Secretary I have been examining the position in order to try and give the Planning Committee some indication of the amounts which will be available for the expansion of the development programme, and the hon. Financial Secretary has advised me that in his view, assuming that we raise loans to the limit of our credit and assuming that we can meet the service charges and the recurrent commitments as a result of this development, in his view there is approximately available—the total sum available for development, or rather the expansion of the development programme—about £8,000,000. The Road Authority Committee has recommended that £9,000,000 should be found for roads alone, and that does not even provide for all the roads we want, so that even if we take the whole of the additional capital that we can raise and devoted it to roads it would not meet all the roads we would like to make. And then, what about the other things that we have all been discussing in this Council? What about agricultural research, what about the Mombasa hospital, or things of that kind? They would have to be left out. (MR. COOKE: Not necessarily.) Not necessarily? Most necessarily. (MR. COOKE: We must increase the Development and Reconstruction Authority vote.) If that is all the money we have and we spent it on roads, then they will certainly necessarily have to be left out. Do not have any doubt about that!

The hon. Member in moving his motion naturally spoke a good deal about the industrial development taking place in the area. There is industrial

development, and we are all delighted to hear there is, but that is not the only area where industrial development is taking place and it is not the only area in the Colony where roads are needed to stimulate industrial development. Not only that, but as the hon. Member on my right has pointed out, if we are thinking of a main trunk road to take traffic without limit as to load, the proper place to build it is probably further inland. Although the hon. mover has pointed out that most of the development is to take place on the coast, the reason why more development has not taken place on the coast hinterland is probably lack of roads as much as for any other reason. (A MEMBER: Lack of rain.) However, as I have said, make no mistake about it, funds are limited whether we like it or not. I unfortunately am only too well aware of that, and if you spend an extra sum on any particular project all it means in the long run is that another project a little further down the list eventually goes out. Perhaps it may be some new road in Ukamba, perhaps it may be the Kitale-Endebess road, or the Thika-Sugana road, but it will certainly have an effect on one of the roads. (MR. BLUNDELL: Are those threats?) I am grateful to the hon. member for his interjection! That is the real issue we have to decide!

The hon. Member for Ukamba in his speech—and I would like to take this opportunity of complimenting him on his maiden speech in this Council—(ap- plause)—wished to impress upon us this side of Council the importance of roads and the urgent need for more roads. I can assure him that he has no need to do that because we are only too well aware of that importance. Indeed, that is one of the reasons why I am only too anxious to try and make funds at my disposal go as far as possible and to get as many roads as we can out of those sums and not spend it all on one project or another.

In conclusion, may I just make one more point. During the last two months in this Council in Committee of Supply we have been scrutinizing the estimates. Before the estimates ever came into this Council they were scrutinized by Government. One of the main objects of the scrutiny was to try and make our money go as far as possible because, unfortun-

[Mr. Rankine]

ately, we have not enough to do everything that we would like to do, or even what we think we ought to do. Therefore these estimates have been scrutinized in the greatest detail. The object of the scrutiny by hon. members opposite, I need not remind them of their oft-repeated statements on the subject, has been in order to cut out every possible thing that is not absolutely necessary, to prune those estimates, and to delete every item which, as I have said, is not absolutely necessary, every item which they think can be postponed to a later date. Are we going now to make the whole of that process appear ridiculous? Are we going now in the face of the best advice we have on the subject, the best technical advice, in the face of the statutory board set up to advise us on the subject, to force Government to spend this additional money which we are advised can be avoided? I suggest that much as I sympathize with the local people, much as I sympathize with the hon. Member who has moved this motion—no one as I have said would be more delighted than I should be to build a spectacular bridge across the causeway and put on it "Erected by the Development and Reconstruction Authority, 1949 or 1950"—but I suggest that if we really consider this matter in the right light and the technical advice we are given, then we cannot accept the motion.

MR. HAVELOCK: Mr. Speaker, I have followed this debate and the arguments on both sides with very great interest, especially as I happen to be a member of the Central Roads and Traffic Board, as are other hon. members on this side of Council, and it does seem to me that the hon. Chief Secretary in his most clear speech has put the points extremely well from the point of view of the Central Roads and Traffic Board, who have I believe, considered this matter at least three times.

The real crux of the matter—and that was the basis of the decision of the Central Roads and Traffic Board—is the matter of priority of expenditure, which has been emphasized by the hon. Chief Secretary. I believe, and I think most hon. members on this side do, that the rule laid down by the Development Committee to the effect that our capital expenditure must be of the sort which will

command a very quick income or return, is the correct line we should take in these days of limited capital.

But I would say here that this particular problem that has been raised, the different points that have been brought up from meeting to meeting of the Central Roads and Traffic Board and in this Council to-day and yesterday, do seem to indicate to me that it is time that we got on with establishing the Road Authority, so that we really get a proper picture of all the requirements of this Colony in the way of roads which we could place against a background of a definite sum of money which we have at our disposal. That, I believe, is a weakness at the moment. I do not believe any hon. member of this Council is sure of what money we have at our disposal to spend on roads, and I do not believe we have a really true and proper picture of the priority roads required in the country at the moment.

However, as regards the broad advantages or disadvantages of the two schemes that have been placed before us, I agree with the hon. Chief Secretary in that many of the advantages put forward by the hon. Member for the Coast are very well worth considering. On the other hand, some of them are not quite as important. There is one advantage of keeping to the realignment as against the bridge and causeway, which carried weight with me, and that was one that was mentioned by the hon. Special Commissioner for Works that the work entailed could be done without great interference with the public over a period of three years at least, which will mean that the actual capital expenditure would be spread over that period. I do not know, and I should like to know, whether the same advantage can be claimed for the scheme of the bridge and embankment.

However, there is one point of doubt in my mind as regards making the decision, and that is I am not yet satisfied that all the facts are known as regards the cost of the Takaungu Bridge. I do believe that the hon. Member for the Coast made a very good point when he pointed out that the breach in the embankment was 40 feet, whereas the hon. Special Commissioner said he considered the span of his bridge would be 150 feet. There seems to be a very great difference between these two, and I am wondering



[Mr. Havelock] whether the span of the bridge, if it was investigated much more closely, might not be reduced, and of course consequential expenditure reduced. Also I do not think that we really know the actual facts as regards depths to which we would have to go to find foundations for a bridge in that creek. And, for that matter, is it without the bounds of possibility to have a suspension bridge of the type over the Sabaki River?

Because of these points I believe that the wisest course would be that this matter be referred back to the Central Roads and Traffic Board for reconsideration, and I beg to move that the words "on the matter of" be inserted between the words "creek" and "the" in the second line, and that the last four words of the motion be deleted and the following words added: "be referred to the Central Roads and Traffic Board for reconsideration".

MR. BLUNDELL: Mr. Speaker, in rising to second the amendment, I wish to reiterate what my hon. friend the Chief Secretary said, that this is largely a question of cost. I did give the hon. Member for the Coast an assurance that, if he made a case in this Council, I had quite an open mind on this subject, but he will forgive me if I say I do not think any really new arguments have been brought forward which were not considered by the Central Roads and Traffic Board—

(MR. COOKE: You have not heard my reply yet.)—other than possibly those, as he says, that he will bring out in his reply. I should like to give him two assurances. First, I find myself an uneasy bedfellow in this matter with the hon. Chief Secretary, and consequently it is because hon. members on this side have, I feel, almost a prerogative for honesty that I do not feel I can support his motion. I say that because, much as I should like to vote with him on this side of Council, as I said, I feel that honesty prevents me from doing so. I am not so sure that that will apply to the hon. Chief Native Commissioner, who, I am quite sure, if he had a free issue on this matter, would probably vote with the hon. Member for the Coast.

The basis of the thing is really this. There are 68 vehicles a day using this road. If you take in the extra 20 million

cans of pine-apples, they do not amount to much more than 15 or 17 more lorry-loads per day which, although there may be other developments, still brings the traffic on the road very low. Why I am supporting the amendment is that I should like to give the hon. Member for the Coast this assurance, that if an alternative specification for the bridge can be devised which would lower the cost, then I would support it, but unless that can be done I think the arguments put forward by the hon. Chief Secretary must still stand.

MR. COOKE: Mr. Speaker, I rise strongly to oppose the amendment. I am not quite certain of the position, because the line taken up by these two hon. gentlemen is really to a certain extent to sabotage this motion. As far as I can see, if the amendment is lost, I shall not have an opportunity of replying to the hon. gentlemen on the other side of Council. Those hon. gentlemen have made—and I do not want to get out of order in saying this on the amendment—statements which I can quite well controvert.

I do not know whether you want me strictly to confine myself to the amendment. If I confine myself strictly to the amendment—that is that it should not go to the Central Roads and Traffic Board—I might be debarred from answering the points made on the other side of Council.

THE SPEAKER: You will have your right of reply after the amendment has been disposed of. Then, if the amendment is carried, of course you would be in the awkward position that your motion would be in a different form, but you would still have the right of reply on it because it is still your motion.

MR. COOKE: And reply to all the points?

THE SPEAKER: Yes. It is very difficult to distinguish in a matter like this between the amendment and the motion, but you will have your right afterwards, whatever the result of the amendment is. The amendment may be lost.

MR. COOKE: Mr. Speaker, I oppose the amendment. I do not think it should go back to the Central Roads and Traffic Board for these two reasons. Firstly, be-

[Mr. Cooke] cause it went to the Board last year, and I have this document here now. It is signed by the Secretary of the Road Board and must be within the cognizance of the hon. Member for Development. It contains a complete misstatement to which I drew the attention of the hon. Special Commissioner yesterday. This was the document upon which the Board founded its decision last year, and it had this fantastic statement that six miles of road that is already in existence—and my hon. friend will bear me out because he has seen it—which is a broad road, with no hills and so, was going to cost £30,000 to construct. When this matter was brought to the notice of the hon. gentleman he reduced that at once to £5,000; so there was a misstatement of £25,000 which must have influenced the Central Roads and Traffic Board last year. That is a very serious position indeed, and the hon. Special Commissioner has not yet replied, although he told me privately yesterday that he understood the reason for it, but the fact of the matter is that this document was put before the Road Board and contained this monstrously inaccurate statement.

My hon. friend also made a statement yesterday which I must say is inaccurate. I think he must have got mixed up with his brief. He said first of all that there was going to be seven miles of road if the Takaungu bridge was constructed. As a matter of fact I think it is going to be six miles. The cost of construction of this road was put at £2,000 a mile. My hon. friend here (Major Keyser) knows something about engineering, and I ask him if it is true that it would cost £2,000 a mile. (MAJOR KEYSER: I would not know.) No, nor would anybody. (Laughter.) I challenge my hon. friend. I think he is thinking of the new alignment and has got mixed up. It is quite impossible, it is quite fantastic to think that six or seven miles of road is going to cost £2,000 a mile. I challenge him on that absolutely.

If this document is going back to the Road Board so distorted as it has gone to them before, it is no use at all putting it before the Road Board, and I must oppose the amendment.

SIR GODFREY RHODES: Mr. Speaker, there are two points I should like to

make in opposing the suggestion that this should go back to the Central Roads and Traffic Board. One is, and to my mind it is the most important one, that it would inevitably lead to delay in getting anything done, because I would very much like to have the money placed at my disposal as soon as possible to improve the present road. If there is any doubt about the outcome of this decision, obviously that money will not be placed at my disposal until the whole matter is cleared up.

As regards the estimates that were presented to the Central Road and Traffic Board a year or so ago, I have not got the details of the specifications that were at the back of that, but I assume that they were thinking in terms of a bitumen road. If that is so, £5,000 a mile is not excessive. In connexion with the estimate that I gave yesterday and which we have supplied to the Central Roads and Traffic Board, we estimate that a road to a coral standard, which means a proper design, proper drainage, and proper base, with a coral surface and not a bitumen surface, will in fact cost as near £2,000 as we can estimate at the present time. And hon. members will see also that we have used the same sort of figure in preparing our estimates for the deviation costs. So where we have two and a half miles of heavy work we have put down a figure of £10,000. That is just a little less than £5,000 a mile because the earthworks are fairly heavy. For the two and a half miles of light work we have put down £15,000, which is just under £2,000 a mile again. So that, for comparative purposes, we have based our estimates on exactly the same type of specification. As I said yesterday, without a complete survey of the creek and a proper investigation of the bridge problem, these figures are the best we can give you.

If you put this back again to the Central Road and Traffic Board, all that that Board can do is to order a full and complete survey of the bridge crossing and a proper and complete design of the bridge. Short of that you cannot get any better figures than I have given you. We think you can judge the problem fairly from the figures we have laid in front of you, which means, as my hon. friend the Chief Secretary said, that it is a question of £20,000. Whether it is wise

[Sir Godfrey Rhodes] to spend it for this purpose, or whether it is wise to save it and spend it on some other purpose which would give you a better result, is a matter for consideration.

I therefore strongly oppose referring this matter back again to the Central Roads and Traffic Board unless you are prepared to delay the whole problem and call—and pay for—a proper bridge survey.

DR. RANA: Mr. Speaker, I rise to oppose the amendment moved by the hon. Member. Firstly, the hon. mover of the original motion, the Chairman of our Coast Elected Members' Organization, does not accept it, so that I am in honour bound to follow him, as he has had far more experience of the Coast—

THE SPEAKER: The hon. Member has risen, but I had forgotten that it is past the usual time when we suspend business for a while.

*Council adjourned at 11.05 a.m. and resumed at 11.22 a.m.*

DR. RANA: Mr. Speaker, I rise to oppose the amendment moved by the hon. Member for Kiambu. First, as the hon. mover of the original motion has said, this matter has been discussed both on the Coast and by the Central Roads and Traffic Board, without any result. I cannot see very much advantage in referring it back to the Central Road and Traffic Board.

There are one or two points in this connexion on which I should like to point out the feelings we have on the Coast Development Committee on this matter. One is that naturally professional people are always obstinate. This causeway question was discussed there, and I am quite agreeable, the hon. Member for African Affairs who used to be Chairman will correct me if I am wrong. I think it was said by the Liwali that the causeway question was a case of pure obstinacy between the Public Works Department and the local people on the Coast. They think it should be done this way and the local committee say it should be done the other way.

The second thing is I was very disappointed to hear the hon. Member for Development. With many of his points

I agree, but whenever we Coast people ask for anything we are either accused of doubling the income tax or something or the other. It is no secret that the Coast has never been given either by Government or the Road Authority anything as far as the development of roads is concerned. During the 20 years I have been in Mombasa the Chamber of Commerce and everybody have been asking for improvement of the Malindi-Lamu road, and still nothing is done. It has even been accepted by the hon. Member for Agriculture that no doubt Government has not paid so much attention. Big amounts of money are spent up-country in constructing palatial schools and hospitals, but when it comes to the Coast the question becomes a case of whether we can afford it or not. I must say it is rather disappointing to those people who have made the Coast their permanent residence.

A further point I should like to make is that it is no secret that, although since his appointment the hon. Special Commissioner for Works has done a tremendous amount of good in organizing the Public Works Department (and I must take the opportunity of congratulating him), still the average person of any race is not satisfied with what the department is doing. I would request that the time has come when now we have got very big European firms on road construction here, those people should be asked to tender. I do not say they should necessarily be given the contract, but whenever one finds it is cheaper it will be to the interests of the country. In this particular case I am sure that if estimates are asked for from private contractors, there might be very great differences in the estimates given.

With those few words I beg to oppose.

THE SPEAKER: I hope no hon. member will take it that they are at liberty to discuss matters other than that connected with the amendment.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I rise to support the amendment. When this debate started I, like the hon. Member for Rift Valley, agreed to support the hon. Member for the Coast if he had made his case, as I also am a member of the Central Roads and Traffic Board and agreed to the original arrange-

[Mr. Maconochie-Welwood] ment. But I do not think that he has, in fact, introduced any new factors except three. One is the possible lower cost of the bridge, which I think should be looked into. Indeed, having listened to the hon. Member Dr. Rana I cannot quite understand why he does not support the amendment, because he suggests it is quite possible that tenders for the bridge considerably lower might be received which would make the case of the hon. Member for the Coast much stronger.

The other point which the hon. Member for the Coast made was that it is possible that further development of the Coast may take place, and I am informed that there might be further residential development at the Coast. It seems quite clear that the cost of roads in the Coast, despite having materials adjacent, is very much more expensive than anywhere else. That, also, is a reason for supporting the amendment, because I find it almost impossible to believe that the cost is going to be so great on this road to the causeway. Thirdly, it appears to me that if the first cost of the road is so high, the maintenance should be very high indeed. I should like that matter gone into because that would be of assistance to the case of the hon. Member for the Coast. One road is four miles longer than the other, and on costs it is quite clear that maintenance is going to be quite enormous. For that reason I beg to support the amendment.

MR. HOPKINS: Mr. Speaker, I, too, am a member of the Central Roads and Traffic Board which turned down this proposal for the bridge. While I am not altogether convinced yet by the arguments put up by the hon. mover of the motion, I do feel there is not the slightest doubt that when we made our decision we were not in possession of all the facts which we are now in possession of. I feel also that it is right that we should have further information about costs, and for these reasons I hope everybody will support the amendment. I think it is only right that it should go back again for proper consideration, even if it does entail a little further delay.

If the amendment is not supported, I feel that in the circumstances I must go back on my decision in the Board and vote for the motion.

MR. ERSKINE: Mr. Speaker, we have before us an amendment which, if I heard aright, proposes to refer this matter to a body other than this Council. For that reason I support the amendment. As this long day wears on, as day succeeds day in similar way, it will come about in due course of time that this matter will go to a division. I cannot say whether or not I shall be in my seat when it goes to a division, but I should like to put on record here and now that if I vote "aye" or "no" I shall at the same time be declaring my burning resentment that this matter should have taken up so much of this Council's time. (Hear, hear.)

I feel, sir, so much that this is a matter more for the Takaungu Parish Council. (Laughter.) How much pleasure it would have given me to have read in the newspapers of a strong caucus of important industrialists from the Coast Province getting together and forcing through this motion in the Takaungu Parish Council, and really doing something for a change for themselves! I feel that it is right that I say these few words. The time will come, perhaps, when there will be strong pressure in the constituency of my hon. friend on my left (Mr. Hopkins) in regard to the pressing matter of the street lighting in Fort Hall. Unless something is done now there will be no end to this question of dealing with parochial matters in this Council. For that reason, if I have explained myself properly, I shall support this amendment.

MR. RANKINE: Mr. Speaker, if I may say a few words on the amendment, there is an unofficial majority in this Council now, and as I understood hon. members, unless the amendment were agreed to, would probably vote for the motion, there seems no object in the Government opposing the amendment.

MR. BLUNDELL: One member only said that.

MR. RANKINE: I agree entirely with the sentiments expressed by the hon. Member for Nairobi South, and I agree that already far too much time of the Central Roads and Traffic Board, let alone this Council, has been wasted on this subject; that if every parish council or representatives of it brought their affairs to this Council—and thousands of

[Mr. Rankine] them could do the same and literally hundreds could make an equally good case—there would be no end to it.

With regard to a few of the points made in regard to the amendment. The hon. Member has opposed the amendment on the grounds that the matter was never properly considered by the Central Roads and Traffic Board because the facts put before it were erroneous. I could not agree with that. The matter was properly considered on the very best possible information put before it, and at the last meeting where it made its final decision the facts had been reinvestigated by the hon. Commissioner, and he assures me they are as accurate as can be given. In any case, when you are considering two alternatives, surely you must adopt a common denominator and even if, as the hon. member who moved the original motion has suggested, the cost of any of the roads was over-estimated on the one side the cost was over-estimated on the other, and it does not alter the issue.

MR. COOKE: It does not necessarily follow.

MR. RANKINE: As regards the statement made by the hon. member Dr. Rana, he alleged that the Coast was always neglected. I do not wish to go into the past, but presumably the apathy at Mombasa does not apply when it comes to making demands, and the principle seems to be that those who ask for most and ask loudest get most, and if his statements as regards the obstinacy of all professional men are true then, sir, the hon. Doctor seems to be particularly obstinate in his demands for more for the Coast at somebody else's expense.

DR. RANA: On a point of explanation, when I used the words "obstinacy of professional men" it was in principle entirely, not as representative of a certain section.

MR. RANKINE: In that case I beg his pardon, sir, I wish to make no aspersions regarding his capacity as a representative of the people. Naturally it is his duty to ask for as much as he can. I would merely like to say that I do not agree that the Coast is getting a raw deal. If hon. members care to look at the De-

velopment and Reconstruction Authority estimates I think they will find that the Coast this year at any rate is being extremely well provided for. As regards schools, I think there are as many schools per head of population as are being built anywhere else in the country. May I invite his attention to the Development and Reconstruction Authority estimates on water supplies, for example, and the amounts inserted for the Mombasa water supply. Perhaps he would compare them with the amounts for any other towns in the Colony.

I was saying, I cannot see any point in putting this back to the Central Roads and Traffic Board because I think enough time has already been wasted and because I think that the question has been fairly and impartially dealt with on the best available advice and a right decision has been taken. Nevertheless, if it is the wish of the Council to amend the motion in that sense and to refer it back, Government would accept the amendment although, as I have said, it cannot accept the substantive motion.

THE SPEAKER: I will put the question on the amendment. The hon. Member for Kiambu was taking it in two bits and I propose to read it in a way so that we take one bit only. The motion is in these terms: "That in view of the important industrial developments taking place north of Kilifi Creek the construction of the causeway and bridge at Takaungu should take place without delay." I propose to put it this way—that we leave out all the words after "creek" and insert the words: "the matter of the construction of the causeway and bridge at Takaungu shall be referred to the Central Roads and Traffic Board for reconsideration".

I now put the question, that the words proposed to be left out stand part of the motion.

MR. COOKE: Sir, we do not quite understand.

THE SPEAKER: I am sorry your gentlemen do not read Parliamentary procedure. You must understand, if words stand part of the motion that ends the matter—no other amendment can be moved to it, but if words are left out then this amendment or any other

[The Speaker] amendment can be proposed. I put the question, that the words proposed be left out—that is, those words after the word "creek"—stand part of the motion.

MR. VASEY: On a point of order, I think some of the hon. members opposite are still under the impression if they say "aye" they are voting for the amendment.

THE SPEAKER: They will know how to vote when the Clerk takes the division.

The question that the words proposed to be left out do stand part of the motion was put and carried by 25 votes to 7. Ayes, Messrs. Anderson, Cavendish-Bentinck, Chemallan, Cooke, Davies, Deverell, Gillett, Pike, Hope-Jones, Hyde-Clarke, Jeremiah, Keyser, Mathu, Mortimer, Nathoo, O'Connor, Ohanga, Padley, Patrick, Pritam, Rana, Rankine, Rhodes, Mousley, Thornley, 25; Noes, Messrs. Blundell, Erskine, Havelock, Hopkins, Maconochie-Welwood, Preston, Vasey, 7.

The debate on the original motion was resumed.

MR. MATHU: Sir, I definitely did not mean to intervene in this debate, but there is one point of principle that was raised by my hon. friend the Member for Nairobi South that I should like to comment upon, namely, that this was a parochial matter and the Takaungu parish council should debate the thing, and it is not worth being brought into this Council. I beg to differ, sir. The hon. mover did give us to understand in his moving speech that the matter has been thoroughly discussed locally, thoroughly discussed locally, it has been discussed by the Central Roads and Traffic Board, and the hon. Member for Development says a lot of time has been wasted at that level, and I think those representatives are entitled up to a point, having not received any satisfaction, to refer this matter—which they consider very important—to this Council. It is that point, I thought I should place this view on record, because other things will come. If the hon. Member for Aberdare feels, as it was pointed out, that there is a matter which should come to this Council after the thing has been discussed locally—

THE SPEAKER: The hon. member is hardly addressing himself to the motion.

He is addressing himself to some chance remarks another member has made.

MR. MATHU: I accept your comments, sir, and sit down supporting the motion.

MR. COOKE: If there has been any time wasted in this discussion I think it cannot be imputed certainly to those on this side of the Council who proposed and supported the principal motion. It was not our fault that these rather side issues intervened. I was indeed surprised to hear my hon. friend the Member for Nairobi South, who has very often wasted the time of this Council by facetious remarks—

MR. ERSKINE: Forty-nine seconds, sir, on this occasion. On a point of explanation, 49 seconds on this occasion.

MR. COOKE: I said on other occasions. The time, sir, may arrive—I have a long memory. I have been twelve years in this Council—when the hon. member's remarks may have a boomerang effect.

I would like to thank my hon. friends on the other side of the Council. I do not often throw compliments, but I think they have treated this motion in a very pleasant and reasonable manner, especially my hon. friend the Special Commissioner. The only papers I have access to—I have not access to other papers—the fault must lie with the other side. When I quoted the 800-foot bridge yesterday that is the quotation in this paper which was issued last January. Actually the fact that it is going to be a 600-foot bridge reinforces my argument, because that takes no less than £5,000 from the estimate.

MR. RANKINE: Sir, on a point of explanation, the hon. member says he has not got access to any other memorandum. The latest report, which was actually written in July last year, was sent to the Coast Development Committee, so that he has access to it.

MR. COOKE: It may have been sent—I have not received it. This is the only paper I have received. That further reinforces my argument, that if in the space of eight months there can be such a change in the estimates, what change may there not be in future estimates? That knocks £5,000 off the £10,000 extra, as far as I have access to these documents.

[Mr. Cooke]

With regard to a single-way bridge the hon. gentleman made that point. The Sabaki River Bridge is only a single-line bridge so we are used to that sort of thing in the Coast—it is about 300 feet long. There is a single traffic bridge on the main road near Nalvasha, and there are single-line bridges all over the country. I will not further deal with the £14,000 over which my hon. friend and I are in dispute except to say I see his argument, but we feel it is too high a specification to spend £2,000 a mile on that road—far too high. That is our feeling. There is no question of a right of way to be obtained from the sisal estates because that road exists already. You can get down to the old causeway on each side on a perfectly good motor road. I have been there within the last few months.

I must deal with a few points made by my hon. friend the Member for Development. With regard to the telegraph line, of course I never argued that we must follow the telegraph line up hill and down dale. All I indicated was, other things being equal, it is always convenient for the main road to align itself with the telegraph lines and other lines. With regard to by-passing a village, of course we all agree that villages should, if necessary, be by-passed, but there is a great difference in by-passing a village within, say, a quarter of a mile, and by-passing it within six miles. That was our objection, leaving it such a long distance away. The hon. gentleman says he wishes to protect the taxpayers of this country. Well, his view and mine entirely coincide there. It is because I wish to protect the taxpayers of this country that I am protesting against the expenditure of this £35,000 on an alignment which, by the admission of the hon. Special Commissioner himself yesterday, will probably sooner or later be abandoned. That seems to me to be a fantastic waste of the taxpayers' money—this £35,000 on an alignment which sooner or later, and probably sooner, will have to be abandoned.

One of the very strong points is the question of priorities. Now as a very old member of this Council and a man who is a good deal older than the gentlemen each side of me, I am going to utter this rebuke to them. I think that

they lack courage and vision in the expenditure of moneys in this country. I think that if there is not enough money in the Development and Reconstruction Authority then the Development and Reconstruction Authority must get more money and must get that money from surplus balances or from loans, and I am going to make that point when the Development and Reconstruction Authority vote comes up. Now Northern Rhodesia, which is very much in the public eye at the moment, has put aside something like £6-million from surplus balances and has increased her Development and Reconstruction Authority vote accordingly. It is an argument that does not appeal to me for anyone to say he will cut down the vote of my hon. friend the Member for Agriculture, or some other very important vote of that nature, because the money is not there. This is a very prosperous country and the money must be found, and I regard anybody who is afraid of spending money in this country—I will not say unworthy—but not strong enough a citizen of this country, therefore that appeal to me about money has no effect at all. There has been more money wasted, I say this advisedly, on the "A" Route and on the Limuru-Dagoretti route and on the Mombasa-Mackinnon Road, through no fault of the Special Commissioner; there has been money wasted there which would doubly pay for this £10,000 which we are asking for Takaungu. That is the right way to look at it.

It is quite true on this side of the Council we have been consistently and insistently opposing certain expenditure in Supply. Of course we have, because it was unproductive expenditure. When 16 night watchmen are proposed for the Jeanes School naturally we oppose it, and we will oppose that kind of expenditure in the future. This, however, I regard as productive expenditure. It is expenditure which will pay its way. It is expenditure which—my hon. friend Mr. Jeremiah made a very good point: that four miles of extra road at, say, five shillings a mile, would mean a great deal to the users of that road. Now it is increased to six miles, three miles each way, on the admission of my hon. friend. It would mean each day the lorries on that road would be spending something like £25 more than they would if the road went through Takaungu

[Mr. Cooke]

That is a very big expenditure, and for that and all other reasons I ask the support of the Council for this motion. I think it should be a free vote because there is nothing against the interests of the hon. gentlemen on the other side of Council. It is a straight issue which does not in any way compromise them, and I would ask my hon. friend the Chief Secretary for a free vote on this motion.

THE SPEAKER: As hon. members sometimes misunderstand what a motion is all about, I would explain this is not a money resolution. It does not vote any money, but it is an expression of opinion—a recommendation.

The question of the motion was put and negatived by 15 votes to 13, four not voting: *Ayes*, Messrs. Chemallan, Cooke, Hopkins, Jeremiah, Keyser, Mathu, Nathoo, Ohanga, Preston, Pritam, Rana, Mousley, Vasey, 13; *Noes*, Messrs. Anderson, Cavendish-Bentick, Davies, Deverell, Gillett, Pike, Hope-Jones, Hyde-Clarke, Mortimer, O'Connor, Padley, Patrick, Rankine, Rhodes, Thornley, 15; *Not voting*, Messrs. Blundell, Erskine, Havelock, Maconochie-Welwood, 4.

#### NATIVE LAND UNITS

##### PEACEFUL INTERPRETATION POLICY.

MR. MATHU: Mr. Speaker, I beg to move: That in the opinion of this Council Government should review its policy in regard to peaceful interpenetration in the native land units to ensure reasonable distribution of population.

My main purpose in moving this motion is to endeavour, if my motion is accepted, to bring about an improvement not only in the present congestion in certain areas in the African land units, but also to bring about improvements in the relationship between the African people and the Government. The third purpose is that I feel that it is in the interests of all the communities in this country that differences existing between the different populations in this country are reduced and not accentuated by any Government policy. Those are my main purposes in moving this motion.

Now before 1933—indeed before the British occupation of this territory—interpenetration between tribes was quite

common. It mainly came as a result of intermarriage between communities. Also, as a result of economic necessity, where there was drought and famine people moved to areas where there was plenty; and thirdly, it took place as a result of captives residing permanently on the territory of those who defeated them in war, and others moved in to places where the victors were because they thought they had better social and economic opportunities. Since the British occupation the matter has become extremely urgent, because the size of the land on which the indigenous population resided has been reduced as a result of alienations, and also there has been an increase in population; thirdly, there has been a greater urge, an instinctive urge, for migration as a result of contact with western civilization.

What is the result of that? The result is that there definitely has been in certain areas like Nyanza and in the Central Province, a very high density of population concentrated in a very small space of land. There are areas also within the Colony which are not as densely populated as the ones I have cited in the two provinces, Nyanza and Central. There are reasons why certain people should feel that as a result of these forces I have mentioned that they could find opportunities for settlement elsewhere within the country. This is not only peculiar to the African, it is a thing which is found among all communities. Actually, due to that very instinct and enterprise and emigration, the British people are found in every part of the world. That is why they are here to-day, and it is nothing peculiar to us.

The Kenya Land Commission which reported in 1933 made recommendations on this subject. They will be found in paragraph 1477 to 1481. In 1481 they say that "the problem is urgent, and other and more direct methods with more immediate results are also required". They go on to say that "generally it tends to raise the average level of attainment, since it leads to a pooling of ideas, and tribes gain experience of each other's mode of life". As I say, in the sections I have quoted they made positive recommendations that interpenetration should be encouraged. They definitely saw dangers ahead, as

[Mr. Mathu]

I do, and you might find a very enterprising community with greater concentration and with instinctive energy in the instincts to emigrate, to move wholesale to another area at the expense of the occupant tribe. The Commission made safeguards for that, and said: "We affirm as a principle that the maximum of fluidity compatible with security should be allowed". Compatible with security—I agree entirely. I do not think that any particular group should move from any particular area and then go and oust the original inhabitants. That is actually not within the principles that I am suggesting this morning.

Government accepted the recommendations of the Carter Commission Report. They have in doing so accepted the recommendations of the Commission contained in paragraphs 1477 to 1481. As a result of our raising this matter, and as a result of the agitation by the people concerned in the various areas, Government issued a circular on their interim policy on "Interpenetration and infiltration in native land units" policy in August, 1947, and in that policy Government states clearly and categorically, in paragraph 3 that they regard interpenetration as desirable. Therefore, my motion is not to try and get Government to accept the policy of interpenetration, because they have already done so. I have merely asked them to review it because there are difficulties which have arisen often as a result of their policy.

What are the qualifications necessary for an individual or group of individuals moving from their original district to the district of another group? There are two major ones, and they are, to quote the 1947 interim policy: That a person would "be deemed to have been accepted into the tribe of the land in which he is settled if he has been resident therein for two years, or has reaped three crops—whichever be the less period—and he has not been reported to the district commissioner by any member of the tribe on whose land he has settled, as a trespasser". I shall give examples to show that persons, and in some cases groups, have been moved from areas where they have resided longer than two years, and they have been asked to return to areas which are very highly con-

gested within the areas which they moved from.

This defect in the policy is due to the fact that in addition to the interim policy I have quoted, in which Government accepted the principle of interpenetration and lays down the qualifications necessary for residence, there is at the same time the Native Authority Ordinance, 1937, which seems to conflict directly with that policy. I refer to section 12 of the Ordinance, which reads: "Whenever a provincial commissioner finds that any native, being a member of a tribe or community for the use and enjoyment of which land has, under the provisions of any law for the time being in force in the Colony, been reserved, is, otherwise than by virtue of a valid contract or other lawful authority, cultivating or occupying any land outside the lands so reserved, whether the land cultivated or occupied is within or without lands reserved for natives, such provincial commissioner may order such native to remove from such land on to land reserved for the use and enjoyment of the tribe or community to which such native belongs".

You will see that the policy I have mentioned existed, and at the same time section 12 of this Ordinance can very well be made to operate in a way that it will make the whole thing negative. I should like the hon. Chief Native Commissioner, in speaking to this motion, to assure me and the Council that in reviewing the policy enunciated in 1947 it will be done in relation to the existence of the provision I have now quoted.

I should like to give four examples in four areas.

The first. In this Council in 1948 my colleague, the hon. member Mr. Ohanga, put in a question in regard to certain villages where on the Masai side of Kisii border inhabited by Kisii and Kipsigis who had been moved, and he said that those people had really qualified under the interim policy because they had lived there longer than two years, the minimum period required by the policy. The answer to that question did not give us tremendous satisfaction because the people being moved to Kisii from that part of Masai in the Trans Mara were returned to areas very con-

[Mr. Mathu]

gested in comparison with Masai, and we did not think there was any agrarian objection. In the same area of the Trans Mara there have been over 2,000 Kipsigis, and only last year or the year before there have been moves on the part of the Administration to see whether they cannot remove as many of these as possible. There has been correspondence between my colleague Mr. Chemallan and the administration concerned, and so far we feel quite happy about the situation, as well as the Kipsigis who have actually made that part of the country their home. They have been there for nearly 30 years. That feeling of insecurity which these people have in that area is actually one of the reasons why I have been forced to move this motion. They want to feel secure. They are not harming any of the original inhabitants and as far as we can gather the original inhabitants are not antagonistic. As a matter of fact the inter-marriages that have gone on between the Kipsigis and the Masai for the last 30 years are very numerous.

The third example I would like to mention is in regard to Mukogodo, a sub-district of the Nanyuki district. There you have quite a collection of people who are not original Wandorobos, who have come from Turkana many years back, from Samburu many years back, from the Northern Frontier District, from Meru and from the Kikuyu district of Nyeri, and they have been there for many years. I have particulars of five heads of families who have been given orders to move, dated only September or October of last year, who have been there since they were young people. They have married there, their sons have married there, it has been their home for many years—some of them even for 40 years.

Why should people be moved when they have lived in a place like that for such a long time? If they had committed a crime they would certainly be dealt with in the usual way in which all other criminals are dealt with, and they should not be told to go away. I am sure my hon. friend the Chief Native Commissioner will tell me that Mukogodo is a very drought-stricken place and they are in grazing difficulties. With all that I agree, but it is their home. The problem

then should be either to provide plenty of water supply in Mukogodo or to have direct methods of moving the people if they must be moved, to areas less congested and with less difficulties of grazing and other agrarian matters. That is a problem that has been facing these people for a long time, and we feel sure that they should not be disturbed.

There is another example that I want to quote. That is the Kikuyu who have resided on the sources of the Athi River near Ngong Hills at a place called Kibiko since 1930. It was only last October that about 100 human beings had their homes burned down to ashes because their residence was said to be illegal, and we made representations to the authorities, the Chief Native Commissioner, and as we did not get satisfaction we made a petition to His Excellency the Governor, and even with that we have not been successful in getting compensation for the huts of 34 of these people, which were burnt down on 19th October last year.

The final example, sir, is in regard to the Embu district. I thought I should give it because it is a very happy example—an example which will show that there being good will on the part of the administration and on the part of the people, problems such as those I have outlined need not arise. Here you have a most sympathetic district commissioner at Embu, who has, I think, a very wide outlook towards these problems, and he has settled all these problems most amicably to the satisfaction of the original inhabitants of that area and to the satisfaction of the settlers. (Hear, hear.) If the district commissioner at Embu—and I know the details of this case very well—can do that, other district commissioners and provincial commissioners, I think, can do the same. (Hear, hear.) It has not been a trouble to anybody—in fact, Embu and outsiders who have gone there have become a community co-operating for the good and better name of that district, and the progress which is going on in that district surely is to the credit of the District Commissioner, his officers, and the African people, all of them living there.

A few points before I sit down. I want to make this a very short motion. I mentioned earlier that my main purpose in moving this motion was that I felt that we should encourage harmonious

[Mr. Mathu] development among all the African peoples in this country, without accentuating their differences. As a matter of fact we should aim at creating a nation out of them, which we can. There are differences in language, differences in customs and so on, but those differences did not prevent the present India from becoming a republic. They have made a nation out of a conglomeration of races, and we can do the same in this country to the good of the whole people living here. (Applause.) I mention that because in the interim policy to which I have referred, which came out in 1947, and another one which clarified some of the points that came out in July, 1948, two words are used—"aliens" and "foreigners". Those words tend to work against what I am advocating in this Codicil—unity among all the people and unity of purpose. They are not aliens, they belong here as citizens of Kenya. They are only aliens if they are Poles or Czechs, but as they are members of the British Empire and Commonwealth surely they cannot be properly called aliens or foreigners. They are citizens of our Empire, and as citizens of our Empire it is up to the leaders, Government, and all the other people, to see that we coalesce all differences that there may be in order to produce one people.

There is one other point. The Carter Commission emphasized the need for interpenetration in that they thought it would help the sharing of ideas among peoples and that it raises the level of attainment. Sir, I think that is very true, and if some representatives of the community left one district and went to settle in another—as you know these districts are on different levels of development—if those who went were better advanced than those that they found, surely it would be incumbent upon them to do all they could directly and indirectly to help in the most important work of raising the outlook and changing the attitude of the people towards the problems, economic, social and political.

This interim policy of July, 1948, puts down indications as to what the Administration should look for to find out whether people are ready to be absorbed or not. One of them is this: Paragraph 4 (iii): If there are "persistent demands for separate schools, or representation on tribunals or on local native councils, or

demands for separate headmen", then that is a sign you do not belong there. I do not think they should definitely ask for anything separate. They should get the original inhabitants to work together to produce what they want. If they want a school it should be a school for the whole community and I agree with that part of the policy which lays down that they should not ask for anything separate—they should all get together. I should say it ought not to be put against them if they said to the inhabitants, "Look you fellows, let us demand the establishment of a school, all of us". That would be quite in order and should not be regarded as a nuisance.

One further point I want to mention is this. The Interim Policy dated August, 1947, has this sentence: "The settler by establishing himself within a new tribal unit and wishing to remain will be presumed to have agreed to abandon any connexion with his district of origin". That I think is a very difficult thing, particularly when, as I mentioned, although you may have qualified for residence for two, three, ten, thirty, forty years you may still be evicted under the Native Authority Ordinance, section 12 (f). If you have definitely abandoned completely any connexion with your original district where, I ask, can you be sent when you have to be moved under the ordinance? There is a conflict between the policy and the law as it stands. My contention is that naturally, if I go to live in the Masai and I become a Masai and if all my interests are there, I have a share in the economic, social and political life of the district; I need not bother about anywhere else. On the other hand, I think it is fair that I should take an interest in what is going on, not only in my original district but in the whole Colony and also outside that Colony. We should not, I think, prevent a wide outlook by restricting the working of the minds of the people in the way suggested here.

What are the remedies? I suggest that there should be set up a committee on interpenetration in every district where there are interpenetrators, so that they can deal with the matters that I have been discussing today. The administration I feel should satisfy itself—and I am not suggesting that the policy does not say so—that any person reported is really required by the whole people or those who

[Mr. Mathu] are in authority in that particular group to quit, because in many instances I know that that is not the case. Secondly, I think that there should be more publicity in those areas so that people should know exactly what is Government policy in regard to this matter. Quite a number of them know nothing about it, and I suggest that the words "aliens" and "foreigners" which appear in both of these papers that I have quoted should be deleted and a better and more positive word used in that connexion.

Next, I suggest that Government should do all it can to relieve congestion in congested areas such as North Nyanza and in many parts of the Central Province, by the direct method of looking out for more land for settlement. I know there are other ways of relieving congestion, by getting people into employment of land at the moment. I see no reason why there should be no discussions between this Government and Tanganyika Government to find accommodation for Africans who have nowhere to stay in this country, in the expanse of an area which has a very low density of population. (Hear, hear.) Finally, I suggest that Government should adopt, if they think fit, the policy of fostering unity of all the inhabitants of this land, and in particular of all African communities, so as to bring them up into a nation—a people proud of belonging to this Colony, a people proud to know that they belong to a very important family, that of the British Empire, and to know that they are not going to be treated as aliens or foreigners in that country, their original home Africa, and in this case Kenya.

MR. CHEMALLAN: Sir, in seconding this motion I will only have a very few words to say on it because my hon. friend and colleague, the mover, has covered nearly all the points. I must, however, make it clear right away that our intention in moving this motion does not in any way suggest that we wish to see the African district boundaries thrown open for any mass of unknown and unaccepted interpenetration between tribes: our sole intention is to point out to Government that at the present moment we are not really satisfied with the administration of the interim policy on interpenetration between tribes in this country.

As has already been indicated by the hon. mover, we have, during the last few months, come up against cases in which these aliens, as they are called very unfortunately, have had their homes burned down, and even some granaries; and very often this is done without the knowledge of senior quarters. I personally witnessed a typical incident at Kibiko. It was indeed a horrifying and pitiful sight to see old men and women, wives and children with domestic animals, just watching the last smoke of their burned down village—all in the open, with the exception of a few sheds which they had made of maize stalks to shelter themselves. I thought that it was a very inhuman thing for a Government to treat its subjects like this. That particular place in which this incident happened is a place where building poles are a difficulty, and I think it was very unreasonable for Government to do this, burning down food in days like these when the rains are very irregular and there is a food shortage, and it is very inhuman according to the laws of Kenya.

This question of interpenetration among tribes is becoming a common problem. One certainly finds people of almost every tribe of this country all over the place at the present moment. This is, of course, due to the question of land shortage, as the hon. mover has indicated, and he has given examples of where people have been evicted wholesale. When they were turned out they, too, lived in the country where they moved beyond the time which the period for interpenetration allows. I mentioned Trans Mara in Masai. I must say here I am more or less satisfied with what the district commissioner there is doing, because he has appointed a committee. I thought that was the best way to bring this to a satisfactory end. In places like the West Suk there are a number of other tribes, particularly the Elgon-Masai, who are commonly known as the "Chepkos". These people have immigrated into the West Suk so many years ago that they no longer regard themselves at all as Elgon-Masai now. But recently ways and means of driving them away were formulated. I could not believe that these people ever took advantage of the nomadic movements of the Suk people and settled there unknown and unseen until they were discovered recently.

[Mr. Chemallan]

There is one thing I must point out—that it is possible that at the time these people leave their tribe to go to another tribe, in some cases those people—individuals or a group of individuals—may move if the people of their own tribe are not satisfied with them. That may be the case. The man who has left should be dealt with accordingly, but the misbehaviour of one man should not cause the moving of residence of all the people with whom he came into that country. If it is a question of punishing these people or evicting them it should be done according to the law, not by burning down their homes.

As I said, sir, I do not have very much to say about this because my hon. friend the mover has brought out all the points about it, but what I must say is that Government should not in any way try to stop the initiative of the tribe. If those people, as I said before, are misbehaving, the people of the tribe can always report it and it can be dealt with. It is indeed a true case that Africans in this country today are finding the areas in which they live overcrowded, and once any men of any other tribe are admitted into a tribe I do not see why Government should not see that they have room, so that we do not have so many cases all over the country of people who are being evicted because of one or two who are misbehaving, because the original territory does not really belong to the tribe. With these few words I beg to support.

MR. RANKINE: May I suggest that this would be a convenient time to adjourn until tomorrow—

THE SPEAKER: That seems to meet with general approval.

The debate was adjourned.

#### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. Thursday, 19th January, 1950.

Thursday, 19th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 19th January, 1950.

Mr. Speaker took the Chair at 9.35 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 18th January, 1950, were confirmed.

#### NATIVE LAND UNITS

##### PEACEFUL INTERPENETRATION POLICY

The debate was continued.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I rise to oppose this motion, although I have a certain amount of sympathy with the idea of solving some of the over-population in certain areas by moving the population. In particular, I have long felt that some arrangement might be reached with the territory of Tanganyika (which is not so over-populated as ours) for such interpenetration. But there are certain reasons why it is a rather dangerous policy in many cases. There is the extraordinary difficulty of safeguarding the rights of the original inhabitants of an area when, as is general in all African tribes, the land is not possessed in individual ownership. It is one thing when the people of one country in Europe interpenetrated another state, for they purchased land and settled, but this country is not like that. There is no individual ownership, and interpenetration is done by the good will of all concerned, and that may lead to more and more interpenetration until it is quite impossible for Government or anybody else to safeguard the interests of the original owners of the land.

There is another danger which I myself have seen, and that is the infiltration of agricultural people into pastoral tribes. A lot of the land occupied by pastoral tribes is not so much in danger of being destroyed by cattle as it would be in danger of destruction when tribes are introduced who go in for intensive cultivation. I have seen disaster of that sort in the Masai reserve. I have seen Kikuyu penetrate peacefully and, as it said, by the wish of the Masai people, where the Kikuyu have gradually cut out and destroyed the banks of streams which feed the semi-arid plains of the Loita.

[Mr. Maconochie-Welwood]

streams of vital importance to the life of the people, and according to later information these still are being destroyed. I should like the hon. Chief Native Commissioner when he speaks in this debate to tell me whether that sort of thing is still going on.

It may be argued that the Administration should be able to control such matters. To that I reply that in the present position the Administration in the pastoral areas have neither the staff for that sort of work, nor are capable of carrying it out. The Administration of the Masai labours under great difficulties in controlling this type of agriculture which they themselves know well is destroying the land and livelihood of the Masai. It cannot be expected that a comparatively primitive pastoral people will recognize their danger. All they are interested in when inviting these people into their country is either to acquire wives, or in many cases to know that they can purchase *posho* from the Kikuyu who will grow the maize. There is another objection, that subsequently and very often bitter complaints are made to the Administration after the interpenetration of tribes has been allowed. I have heard of such cases from my own knowledge, and it seems to me it is very much the duty of the Administration to protect what are often very much more backward people than those who have infiltrated from these dangers. I do not wish to suggest that when agricultural tribes infiltrate into pastoral tribes they do so with malice aforethought, but I do say that they are quite unconscious of the damage they may do, and when they are asked to leave they are rather naturally resentful, and it is the duty of Government to preserve local peoples from what have become deprivations by outsiders.

The hon. member Mr. Mathu said that interpenetration would lead to unity. I submit that it leads to the very reverse and in many cases to great bitterness. I will instance two cases of my own knowledge. One has been interpenetration by the Kikosh at the invitation of the Sebei. The Sebei to-day are increasingly alarmed at the damage done by more and more intensive cultivation, and that on a poor type of soil readily destroyed by intensive cultivation and not quite so readily destroyed by a stock-

owning tribe. Another example by the same tribe (the Kikosh) is their entry into the Suk country who are by and large an extremely primitive people, and they are also becoming increasingly alarmed at the results and are beginning to approach Government to say that they do not want those people.

When you admit one man into a country it is not a case of admitting only that man. Sooner or later, after two or three years, a gradual and progressive infiltration takes place. For that reason also I am against this motion although, as I say, I have sympathy with the reasons for which it has been brought, but I think the dangers are greater, far greater, than any possible value in intensive interpenetration. There is only one form which I admit has been and would again be successful, and that is where pastoral people are interpenetrated by another pastoral people who have less land than them and where they have too much fully to use themselves. That is a far less objectionable form of infiltration than that of the Kikuyu into Masai, because there is no great distinction in custom and habit, say, between the Kipsigis and Masai, both pastoral people, as between the Masai and Kikuyu, and the Masai on the whole have a great deal of territory suitable for stock and in many cases much more than they can use, whereas a tribe such as the Kipsigis have not enough. In cases like that I can support interpenetration, but with the greatest of caution, and for that reason I cannot support a motion advocating peaceful interpenetration in the native land units as a general policy to ensure reasonable distribution of population.

MR. OHANGA: Mr. Speaker, I rise to support this motion, which was moved in Council yesterday, and to congratulate my colleague, the hon. member Mr. Mathu, for the very fluent manner in which he moved this motion and also put the African case with regard to the general principles of interpenetration. This motion does nothing except to ask Government to review its policy regarding interpenetration between African tribes. It does not ask for anything new, but only a review of what really exists, and that is important. It is important because it shows that we are not at the moment embarking on any new

[Mr. Ohanga] scheme of any kind, but merely trying to improve upon a policy which already exists and is working.

After listening to the fluent speech of my colleague, and from experience, I know that all is not well with this problem of interpenetration. Difficulties have arisen in the country all round, among pastoral people as well as agricultural people. It is an all-round problem and should be reviewed generally. There have been sufferings caused by the administration, of the policy that exists. We were told yesterday of cases of persons who have suffered evictions, and we were also told of others who had suffered violently to the extent of having their property destroyed by fire, and drastic actions of that kind taking place. When difficulties of that kind take place in administering a permanent policy of that kind it is necessary that a general review should be taken, and where flaws are discovered an attempt should be made to remedy them so that those difficulties can be removed.

Generally speaking, interpenetration is desirable. It is desirable because you want an even distribution of the present races of the people; you also want an even development of the social and economic activities of the country, and if the human community was not evenly distributed on the pieces of land that are available it would be very difficult to attain an even development of the kind that we have in mind. Certain problems arise in the process of interpenetration, and we cannot deny that. Quite apart from the people who have personally suffered, there are complaints even among the African peoples themselves of certain things that have occurred and happened with regard to interpenetration that need to be properly safeguarded and righted. There are difficulties, naturally. When a new tribe comes into the land unit of another it is natural that there should be certain clashes of interest, and it would take some time and quite a bit of effort, too, on the part of the newcomers to get into the social structure of the indigenous owners of that particular land unit.

I should like to make some points which seem to me to be important in the whole of this matter. A policy of peaceful interpenetration between African

land units in itself cannot do very much. In my opinion it is all in the hands of the individual interpenetrator—his capacity to get on with the people he found on the land, his capacity to adapt himself to his new surroundings and to become a part of that new family of people. Whether you have an elaborate interpenetration policy it does not matter so much, so long as the interpenetrators themselves are prepared to make a very definite effort to get on well with the people who originally owned the land, and so long as the newcomers and the original inhabitants of the land get on well I do not really think any problem need arise at all.

In his moving speech yesterday my hon. friend did state—and there were occasions which he was able to cite—that the initiative was taken by the Government to put these difficulties before the African indigenous inhabitants, and that they themselves did not take the initiative. I feel if anything of that kind has happened it is most unfortunate, because any policy should have one object only, and that is to get the tribes of the country to get on harmoniously with the task that we have of developing the country, and with a policy that leaves gaps in which things of that kind can happen it is definitely difficult to administer it to achieve the very objects for which it was framed. On the part of the Africans themselves I think that interpenetration is nothing new. For centuries people have been moving up and down this country, not always peacefully. But it is true that the kind of interpenetration that we advocate is peaceful interpenetration and, so long as it is peaceful interpenetration, that fits in very well with what most Africans believe to be the right way of distributing evenly the present population of the country.

Once a penetrator has already settled in the land, there are certain minimum conditions which are always required of him in the African community, and where these are fulfilled the problems are automatically minimized. One of them is that he should be quite ready to fit into the conditions of the social structure of those people whom he finds on the land. If he does that no problems can arise. That presupposes that the interpenetrator will at least learn the

[Mr. Ohanga] language of the people in order to be able to understand. It also presupposes that he will be able to get on with them smoothly in such a way that things like intermarriage are possible, which will encourage the cementing together of the newcomer and the indigenous people. If the newcomer lives as the people whom he finds there live, so long as those minimum conditions are fulfilled no problems need arise. During the time of the occupation of the newcomer, problems have arisen from the immigrants' desire to have certain services exclusively for themselves. That we cannot support. As my hon. friend the mover said yesterday, it is natural for a people to demand from the Government or anyone in authority that social amenities be provided, and where they exist in inadequate form they be improved. That will always be the case for the general community and not for just the immigrant section of the community or the people who came to occupy the land as such. It should be for them all, including the other people whom they found there, general provision of amenities for all. Where these people learn the language of the people and live in the way they do, I do not think the problem of separate services should really arise, because they will be able to participate in the ordinary facilities that exist, the difficulty of the language having been eliminated.

It seems to us that interpenetration is desirable, not only from the point of view of the development but from the point of view of general assistance. The tribes are not equal in their ability to understand and to carry on some of the tasks that are now required of the African people, and I think it would be helpful if in certain areas where you have an enlightened community which was willing to travel far outside its own land unit in order to find a living space outside, and at the same time assist those particular communities to which they go to develop, it will be a service which all of us will be in a position to support, because we do not want anyone to remain behind—we want development to be even. If these people travel from the better enlightened communities to those areas occupied by less enlightened communities it is all the better for the general progress of the country, provided

these minimum conditions are abided by. But the whole thing, as was emphasized in the motion, must be peaceful—nothing violent.

I beg to support.

Mr. COOKE: Mr. Speaker, I regard this as a reasonable motion, and I think it was moved in that reasonable and measured manner which this Council expects from my hon. friend, Mr. Mathu.

Even if I did have views different from those which I hold to-day I would personally feel impelled to accept a motion which had the unanimous support of the four African members, because after all they know what concerns their country and their tribal institution better than any European. I am in great measure of agreement with what my hon. friend, the Member for Uasin Gishu, said. It would be of course fatal if large-scale interpenetration was permitted and if it was not, for instance, peaceful, but I do not think there is really a great divergence of opinion between my hon. friend the Member for Uasin Gishu and my hon. friend Mr. Mathu. There seems to be more a distinction without a difference. There are, of course, two other points of view other than those put up by my hon. friend the Member for Uasin Gishu. When I was district commissioner at Loitokitok in the Masai Reserve, many years ago now, we allowed the peaceful penetration of the Wachagga tribes to cultivate on certain river banks, and that particular year, 1923, the fact that the Wachagga were cultivating and producing maize saved that particular section of the Masai from very severe famine.

There is also the aspect of soil erosion. Again, when I was in Kwale in the Coast Province in 1927, it was the custom of the Wakamba—and this was a very natural movement—to leave their even then eroded lands and to come down to Kinango which was in the Digo land unit. Now the policy of Government in those days was the wrong policy. It turned those Wakamba back because it was difficult to administer them, but then administrative difficulties should be overcome in cases such as that. What was the result? Hundreds of Wakamba were turned back to the soil-eroded area from which they had come, and if they had been permitted to remain in Kinango,



[Mr. Cooke]

as I think they are being encouraged to do to-day, not only would they have had proper and sufficient food for themselves, but they would have saved that country in Machakos from the terrible devastation which has overcome it of recent years.

This problem is a much bigger one really than most people think, because the danger of turning these people, who have been permitted by Government—at any rate condoned by Government—in this occupation among other tribes, when you turn them out they become displaced persons. Government has made no real effort—I say this in spite of any contradiction which may come from the other side of the Council—to find more room for these people. I know it perfectly well because I have been going into the subject for many years past. I have both spoken about it and written about it. I know what the position is and everyone on the other side of the Council knows what the position is. There are nearly one million Africans in land units to-day above the capacity of those lands to hold them. Those facts have never been disputed, and if you turn people out who have interpenetrated, where are those people to go? Unless Government has a positive policy it will only lead to turning these people into spivs and the other undesirable criminals which we see in these bigger towns to-day. They are also, of course, a great nuisance. Very often they wander from one chieftain to another chieftain and find nowhere to lay their heads. This problem, if I may quote Mr. Churchill, does not get any better by being left alone.

There is a solution to the problem—to get closer with Tanganyika over this and to get land there. There is a solution in various areas of this Colony, as His Excellency the Governor said the other day in consequence of a tour he made down behind the Tana River and through the Lamu area. He thought that eminently suitable for settlement. We should determine to populate these depopulated lands, and we should put forward a concrete proposal where these people can go if they are turned out and cannot interpenetrate into other areas. The motion seems to be very moderate, and all it asks of Government is to review its policy, in other words to have

another look at the policy and see if something more constructive cannot be done.

Sir, I support the motion.

MR. NATHOO: Mr. Speaker, first of all I would like to associate myself in paying tribute to the hon. member Mr. Mathu for the excellent manner in which he has presented his case. I entirely agree with the hon. member Mr. Ohanga when he says that all the motion asks is a review of the policy, and nothing more and nothing less. If during this further review the Government finds difficulties and problems which compel them to modify, alter or add anything to the present policy adopted they would do so, and I am really surprised at the opposition voiced by the hon. Member for Uasin Gishu. If the hon. member Mr. Mathu had indicated that Government should encourage interpenetration irrespective of difficulties and problems I could appreciate his opposition, but the greatest thing that has worried me during this debate has been the allegations made by the hon. member Mr. Chemallan of the burning down of people's properties. I would not have thought that in this enlightened age and under the British rule this sort of thing was possible, and when the hon. Chief Native Commissioner is speaking on the motion, we would like a full explanation of all the allegations which have been made by this hon. member, as if they are true in the way he has suggested then I think the whole matter requires a very serious review.

I beg to support.

MR. DAVIES: Mr. Speaker, first of all I would like to join in the chorus of approbation of the hon. member Mr. Mathu's very reasonable and excellent and clear elucidation of his motion. He has made some extremely good points and a number with which I entirely agree.

This is a motion for which one must have a good deal of sympathy, because the feeling at the back of it is the feeling that in certain areas of this country, the native areas, there is a very heavy burden of population and in others the burden of population is less. The natural question that arises is, why should there not be free movement between the two so that we get a better distribution? As the hon. member Mr. Mathu said, be-

[Mr. Davies]

cause of that the Carter Commission in their findings made one general recommendation which he quoted, and that was that in respect of this policy it should allow a maximum fluidity compatible with security. Now that maximum fluidity compatible with security is a principle with which Government thoroughly agrees. Much of what the hon. member Mr. Mathu said yesterday I would endorse, but his speech laid emphasis upon fluidity, and I must congratulate him upon the way in which he skated round the security aspect of the matter. Government must take full cognizance of the necessity for this security. It is bound by the Kenya Native Areas Order in Council of 1939, which states that the native lands are held in trust by the Trust Board for the natives in those areas. The security aspect is the security of the parent tribe into whose lands the immigrants arrive and settle. It is with this security in view that Government lays down the policy which the hon. member Mr. Mathu referred to and which has been defined as interpenetration and infiltration in the native land units.

Interpenetration means the settlement which involves a change of tribe on the part of the interpenetrator, who becomes a member of the parent tribe and relinquishes membership of the tribe into which he is born or has been previously adopted. It is this aspect of the immigrant becoming a member of the tribe into which he has moved that the hon. member Mr. Mathu very adroitly soft pedalled. Government approves of interpenetration and will encourage it—that is, where the immigrant is absorbed into the new tribe. Infiltration on the other hand means settlement by an African into an area inhabited by a different people, but who retains his original tribal status and is not absorbed into the new tribe. This is a movement which does require very strict control.

In order to assist the interpenetrator—that is the man who settles into another tribe and becomes absorbed by the other tribe—Government has directed, as the hon. member has said, that if such a man enters another district and settles for two years, or has reaped three crops, whichever is the less, and no one has complained of him being there as a tres-

passer or unwanted person, Government deems he has been accepted into the permanent tribe, and he will not be removed by Government, provided—and I lay emphasis on this proviso—that he shows his willingness to be absorbed into the new tribe. If an immigrant has been settled for two years or more but refuses to be so absorbed, the burden of instituting his removal lies upon members of the parent tribe and one of the parent tribe who is in a responsible position. He must report the matter to the district commissioner who, before he applies to the provincial commissioner for an eviction order, must satisfy himself that the immigrant is in fact refusing to be absorbed into the parent tribe.

I know that in the past cases have arisen where district commissioners have felt that the initiative lay with them to institute such a move, although I am extremely doubtful if any number of these cases arose where the original grouse did not arise with the parent tribe. In order to implement Government policy, which is that a member of the parent tribe must be the person who objects to this immigrant, Government has laid down in its second circular, to which the hon. member Mr. Mathu referred, various points which would assist the district commissioner to satisfy himself whether or not the new immigrant was in fact refusing to be absorbed.

Before I go on with those points I would like to say that where these district commissioners have felt that it was up to them to take the initiative, personally I have the greatest sympathy with them, because they are jealous for their own people—they are jealous of safeguarding the interests of the tribe they administer, and I think that although they may be accused of aggressive action, the fact they took this action very often reflects the greatest credit upon them.

This latest circular to which I have referred lays down the sort of evidence which a district commissioner must satisfy himself exists before he can come to a conclusion that an immigrant refuses to be absorbed. There are various points, and I would read a few of them. First of all, if there is any reasonable adoption ceremony which aliens should take and if—we will say the immigrant, not the alien—if the immigrant refuses to be absorbed by a reasonable adoption

[Mr. Davies] ceremony, that is some evidence he does not intend to be absorbed; or if the immigrant without the permission of the tribal elders brings in other immigrants, or if the immigrants make persistent demands for separate schools, representation of themselves as a tribe of the local council, or demands for separate services. There is nothing there, as my hon. friend Mr. Ohanga said, against their combining with the parent tribe and saying, "Here are all the people in this area—we want a new joint school". There is nothing to prevent them doing so.

Another point which district commissioners should satisfy themselves on is whether or not these immigrants have organized separate tribal associations, or whether they demand a different bride price from that of the members of the parent tribe. And there is one other which I think meets very largely the point made by the hon. Member for Uasin Gishu, if the immigrants display any flagrant disregard of indigenous laws regarding the rights of land, or flagrant or repeated attempted breach of any sanctioned resolution of the local native council which would cover the proper use of land, or of any approved edict of the indigenous land authority regarding the control or use of land, forest or water in which the immigrant has settled, which is a point which I think meets the hon. Member for Uasin Gishu.

The hon. member Mr. Mathu has commented upon the conditions laid down in the circular, that an interpenetrator must abandon connexion with his original home. The circular reads: "and relinquishes membership of the tribe into which he was born or into which he had been previously adopted". The hon. member raised the question as to what a man was to do who had settled in a new district and had relinquished all connexion with his own tribe for a long period, and was then evicted. If this policy is properly implemented these cases should not arise. Moreover, it is essential, if we are to have a proper distribution of population, that when a man goes from one district to another and settles in the second, he must give up his rights in the first; otherwise we are no further on. In fact we are worse off as regards land distribution than we were before.

So once more may I emphasize that, if the immigrant has been settled for two years, or reaped three crops, which is less time, and has not been reported as a trespasser or unwanted, the initiative for getting rid of him must come from a member of the parent tribe. That is the principle which underlies Government policy and that is the principle which Government intends to adhere to and to put into practice.

The hon. member Mr. Mathu has stated that the existence of section 12 of the Native Authority Ordinance, which gives power to a provincial commissioner to evict an African who is living outside the boundaries of his own native areas, conflicts with this policy. I cannot agree with that because, if an immigrant is objected to by the parent tribe before he has been in residence two years, or if after this he refuses to be absorbed, Government considers, and rightly considers, and I think my hon. friends the Members for African Interests also consider, that he should be evicted. Well, section 12 of the Native Authority Ordinance gives the provincial commissioner power so to evict.

The main areas where infiltration or interpenetration have occurred are in South Nyanza, Masai, Mukogodo, Meru and Embu and, as we heard from the hon. Member for the Coast to-day, in the Coast Province, notably in the Kilifi and Digo districts. As far as the interpenetration of the Kamba into the Coast Province is concerned, that is now being encouraged, and I know personally of one group of Kamba who moved there some years ago—I suspect they were there in 1923—who are down in Lungalunga in Southern Digo, who talk an extraordinary mixture of Kamba and Kidigo and have been happily absorbed. I was very glad to hear that the interpenetration in Embu was successful. I think we should congratulate the members of the parent tribe, and the immigrants as well, for this happy relationship.

The hon. member Mr. Mathu said that goodwill is wanted. I entirely agree, but it takes two to have this kind of agreement. You must have goodwill on both sides, which is unfortunately not always the case. Take, for example, the instance of South Nyanza. There there are about 600 families of immigrant

[Mr. Davies] Kikuyu, the great majority of whom have willingly accepted the conditions laid down for their continued residence, but there are some who have refused to comply with those conditions, who persistently say they must have separate representation, separate schools, separate headmen and so on, and that they cannot recognize the jurisdiction of the local authority. In fact, these people have tried to set up a separate Kikuyu enclave in the Kisii land unit, and that is a thing Government cannot agree with. Those affected are about 50 families, while the remainder are law-abiding people living perfectly happily in Kisii. There are other immigrants to South Nyanza who, so far as I know, are living perfectly happily with the parent tribes. There are 200 or 300 Abaluhia from North Nyanza in Kanyambago in South Nyanza, and of course there has been some movement between the Luo and the Kisii within South Nyanza.

We heard something of the Trans Mara. In the Trans Mara area there has been a lot of infiltration and interpenetration from two sides, and the position got acute a few years ago. As a result early last year an officer was sent down there to make a review of the position and discover what was happening there. He found that there were a number of Kipsigis who had infiltrated or interpenetrated from the north, and most of them were living happily with the Masai and, as my hon. friend the Member for Uasin Gishu has said, they are members of similar tribes and they are people who live happily side by side, though in some instances history may not always bear that out.

Further south on the South Nyanza-Masai border there were three groups of immigrants, most of them being Luo. There were those who had been there for many years and had settled down and were living perfectly happily with the Masai. There was another group who had mistaken where the boundary was—I think quite honestly—and had settled there. Then from about 1948 there was a big influx of Luo into that part of Masai. I think most of them could honestly be described as spivs. They were the immigrants who were trying to get away from their ordinary responsibilities within their native land unit. The

officer who went there and carried out this investigation has recommended that two areas of the Masai, on the border of the South Nyanza native land unit, should be set apart by the Masai and leased to the South Nyanza people, and that the large majority of these people should settle there. A number of the spivs who went in in 1948 onwards will no doubt have to be removed.

As far as the Kipsigis are concerned, committees have been set up in Masai to go into the question of these immigrants and to evict them as they come in. In particular, on the Masai-Kipsigis border, a joint Masai-Kipsigis committee has been set up to deal with border matters, and among these matters that of the immigrant. I know the hon. member Mr. Chemallan took the matter up with the Officer in Charge, Masai, and I think from what he said here yesterday that he is now fairly satisfied that there is no intention whatever of disturbing Kipsigis who have been living in Masai for any length of time or who have connexions by marriage. Over 300 of these have been accepted and their names have been recorded.

The hon. member Mr. Chemallan did ask how it was possible for some of these immigrants to be in Masailand for a number of years without anybody knowing anything about them. I think the answer is that there are a number of Kipsigis who have infiltrated or interpenetrated in the southern tip of the Chepalungu Forest, and I think they are there for reasons best known to themselves. A number of them came from the Kericho district a year or two ago, and there are others who are interested in the movement of stock which are not, unfortunately, always their own property. (Laughter.)

The hon. member Mr. Mathu raised the question as to whether or not we should set up similar committees to those in Masai to vet these immigrants and to see that their original immigration into the country was accepted by the local people. That is a matter I am very willing to go into, and I will certainly take it up with the Provincial Administration, but I would point out that the parent tribes are sometimes jealous people, and that sort of committee might well be a bar to free interpenetration. However, I will certainly put

[Mr. Davies] up a case and let the provinces go into it and decide whether they want these things or whether they do not.

The hon. member Mr. Mathu also raised the question of Mukogodo. There is a certain amount of settlement there by Samburu, by Turkana and by Kikuyu. Mukogodo is not a native land unit, it is Crown land reserved for the use of the Dorobo. It is, as the hon. member said, heavily stocked, badly overgrazed, and sooner or later both the stock and human population there will have to be reduced. I do not consider this to be on a par with what we have been talking about, because there we have simply got to reduce the number of animals and people who are using this limited area, and it seems to me right and proper that the people with the least claim to the area should be the people who should be first asked to move, where the cases will have to be gone into individually, and I can give an assurance that cases of long residence or intermarriage will receive sympathetic consideration.

As regards Kibiko, that is an area where this burning of huts took place. Kibiko is an area that was loaned by the Masai to the Kikuyu for grazing purposes only, and I would emphasize for grazing purposes only. Those conditions were well known to the Kikuyu, and they did not permit of settlement or cultivation. There were a few Kikuyu families living there at the time of the Carter Land Commission. Most of them left many years ago, but a few have infiltrated and settled there since, and repeated steps have been taken to remove them. In 1946 the Officer in Charge, Masai, took formal action under section 12 of the Native Authority Ordinance to order these people to remove. Some of them did and some of them did not, and on those who did not remove formal notices were served to remove themselves. A number of those receiving notices did move, but a few families refused to do so. They were again given notice to move from the area at the end of November, 1948. They were offered alternative plots at Ndeiya. I have no doubt the alternative plots were not as good as they hoped; I know there is a heavy population in Ndeiya.

They refused to move, and the heads of the families were therefore prosecuted

and they were convicted in December, 1948, of refusing to move. They were sentenced to pay fines, with detention in default, and they were further directed to remove their huts within one month of the completion of their sentence. They lodged appeals, but these were dismissed by the Supreme Court. On their release from imprisonment they continued to defy the court order, and after repeated orders a demolition order was issued by the court to the police. Even then the huts were not demolished, as the police on arrival found them locked and deserted. It was not until fresh demolition orders had been issued to the police, and final warning given to the occupants, that the huts were eventually demolished on the 9th October, 1949.

I have seen a good many papers on this question, but I have not seen any complaint, and I heard no complaint before yesterday that the crops were burnt, and I know that the crops were full of food were burnt; they were merely pushed over. The date of this burning was the 9th October, and I am very doubtful whether on the 9th October, 1949, there would be any crops in the fields. I have gone into this because I think we must try and allay the allegation that has been made, in a debate of this kind when we are talking about the interpenetration and the eviction of people, that in carrying out a perfectly legal order huts were burnt without notice, which is a complete distortion of the facts.

The hon. member Mr. Mathu has asked for a review of Government's policy. As far as reviewing it is concerned, I would say that if it means to say that the policy laid down is implemented, I will see that it is implemented, and implemented in the way it is laid down. If in the months to come we find that things are going wrong, we are prepared to review it. If "review" means something else, two members have said they wanted to see an implementation of the present policy. I have already said that it is not the job of administrative officers to take the initiative in this case, and they have been told so in the circular to which the hon. member Mr. Mathu referred.

The hon. member asked also for more publicity to be given to this policy, and I can certainly give him that assurance

[Mr. Davies] now. I will instruct the provincial administration accordingly, but at present I see no reason to change the policy and, as far as I can make out from the hon. Members for African Interests, this has not been asked for. While Government agrees with the settlement of one tribe on the lands of another, under the conditions of the circular it is emphasized that the rights of the tribe must be looked after. We cannot allow a situation to grow up where a number of minorities of other tribes settled insist on separate representation, separate schools, separate this and that—we cannot have that kind of enclave in the existing land units.

There were one or two other points raised by hon. members which I must try to answer. The hon. Member for the Coast and one or two members mentioned the possibility of finding room in Tanganyika for relief for heavily populated areas. This, I do not think, is really part of the motion, which was to go into the question of interpenetration and infiltration, and I do not propose to comment on it here.

The hon. Member for Usin Gishu told us there was infiltration or interpenetration by the Kitosh into Suk and that they were doing harm there. If they are and the Suk, as my hon. friend gave me to understand, are grouching or complaining, they can explain it to the district commissioner and he can apply the terms of the policy we have laid down.

I would say finally that if reviewing this policy means putting it into practice as it is now laid down, we would certainly review it and continue to do so, and if we find in the months or years to come that this is a bad policy we are perfectly willing to review it in the wider sense, but I do not think that at the moment is wanted, and while Government accepts no censure on what has happened in the past it is a motion which Government is content to accept.

I beg to support.

MR. MATHU: Mr. Speaker, I would like to thank the hon. Chief Native Commissioner for supporting this motion, and I should like straight away to say that there was no intention on my part nor on the part of my colleagues to move this motion as a censure on Government. Actually, that point came to me as a

surprise, because it was never in my mind that it was anything of the sort. I explained my whole purpose in moving this motion. We wanted improved relationship between Government and the people, as we thought that the actions taken as I outlined yesterday were not helpful in improving those relations. I also suggested that we wanted a review of this position because we thought it would close the gap between the relationship of the tribal units in this land. Finally, we said we wanted a review of this policy because we knew that if the relationships between people were improved, and between the people and Government were improved, we would have a better and more harmonious relationship in the whole country.

Points have been raised by various speakers, and I will briefly answer some of them. The hon. Member for Usin Gishu thinks that there are dangers in encouraging interpenetration, particularly of the agricultural units among the pastoral units. I do not think that that necessarily follows, and actually the Carter Commission in their recommendation in page 1477 did draw attention to this fact, that if there is an influx, a penetration, Government is to take notice of it and stop it. I did mention that also in my opening remarks. We have not suggested at all that there should be unlimited migration from one area to another. That we would not like to see come.

I also suggested that definitely the security of the tribes to whom people go should be looked after, that they should not be ousted and not used for gain by immigrants. That is quite a fair thing to expect. The pastoral tribes the hon. member talked about, we have not forgotten their interests and, as the hon. Member for the Coast said, he has found that the mutual assistance between these people sometimes supplies the needs of life to the Masai in the Laitokitok area. I know it is the case with the Kikuyu in the Nairekia Ngare area, who in marketing and sending maize meal to the Masai have helped greatly the life of the people there. I do not think the dangers of interpenetration are greater than the value that this thing brings to the people. The reverse is the case. The Masai, if there was no intermarriage, between them and the Kikuyu, and actually

[Mr. Mathu] it is the Masai who are very fond of marrying Kikuyu women, they would not have been in existence, because they are not prolific, and if there have to be barriers between the two tribes I do not think the hon. Member for Uasin Gishu in 20 or 30 years would have any *moran* to talk about.

I should like to thank the hon. Members for the Coast and for the Central Area for their very warm support of the motion. The hon. Chief Native Commissioner raised a number of points with which I agree. I have now tried to underline the word security and to emphasize fluidity, because I agree with him that one must look at the whole problem from both sides. The principle which he outlined is not so easy as I think he thinks it is, because in certain tribes there are no recognized adoption ceremonies. The men in the Embu country and the Kikuyu have definite ceremonies for naturalization, and where these exist I have always supported the idea that those men should go through the ceremony. I think that in Meru and Embu there are no problems, but in others there is no naturalization ceremony. It is there that I think the point the hon. Chief Native Commissioner raised comes in—

MR. DAVIES: On a point of explanation, I did say if there was a reasonable adoption ceremony, I appreciate that they do not always exist.

MR. MATHU: I accept the explanation. I only wanted to point out that it is not easy in places where there are no adoption ceremonies, and in that case I think the main factors to be taken into consideration are long residence and intermarriage. If they are there as the hon. member Mr. Ohanga said, I think people should be satisfied.

My remarks about the Native Authority Ordinance were mainly directed to people who have already acquired the right of residence as a result of intermarriage or long residence. It is those people I was referring to. If they have lived long in a particular place, if they have intermarried, I do not think they deserve eviction at all, because they belong there now, and if they do anything wrong they should be dealt with equally as the original members of the tribe.

On the question of Mukogodo I agree there are certain difficulties but I do

happen to know and can give names if the hon. Chief Native Commissioner asks me at the end of this debate, of old men, heads of families, Samburu mainly, who have been there for a long time, and also Kikuyu heads of families, yet orders for eviction have been given to these people. I agree that we must do something, to relieve the pressure on these main populations in Mukogodo. It must be a definite organization to get the land first to take the people to, and then start off doing it in a systematic manner, but this haphazard way of doing it I think is entirely wrong, and that is what I am objecting to. If we have a planned scheme I personally would be the first to support it to relieve the pressure on the land there, but the people who have been served with notices to move under the Ordinance should not be moved out until we have an organized plan to settle the problem.

The final point I would like to comment on is the Kibiko order. Rumour says that there was an order for the demolition of houses by burning. What I should like to know later from the hon. member is whether the court ordered that demolition should be done by burning. It does not seem to be the case, because I have a letter from the then Acting Chief Native Commissioner on this matter in which he says "I have requested the Commissioner of Police to instruct the police officers responsible for the execution of the court orders to demolish the huts instead of burning them, and this he has agreed to do". Unfortunately he gave that assurance after the huts had already become ashes, the whole lot. Therefore there could not have been an order of the court to burn, because if so the hon. gentleman could not have told me that the Commissioner of Police had agreed that the huts should be demolished in a way other than by burning. If there was a court order to demolish the huts by burning, I must say I am surprised that the administration of justice should be done in such a way in a British Colony; it is most regrettable.

As I said, we made representations to the authorities, and we four jointly sent a petition to His Excellency the Governor on this matter of the burning of the huts. We had two requests to make. One was that these people should be given an alternative area for settlement, and

[Mr. Mathu] secondly that they should be compensated for the huts and the rest of the property that was burnt. The reply I got from the Secretariat refused to consider any of these points, except that they said that attempts should be made to get some plots in the Ndeiya area to settle these people. I must say the plots they were shown were already under occupation by other people and crops were growing on them. You can see the tremendous difficulties of these people in moving into these plots which already had crops growing on them belonging to other people. That is the position at the moment. These people even to-day are living in the Kibiko area in huts made of maize stalks. They are there only because there is nowhere else to go, and I say there is a case for these people for consideration by Government of *ex gratia* compensation.

You know that if you burn huts the only things that remain are the three stones on which we cook our food. There is nothing else—no posts, no grass, everything is finished. How can they re-establish themselves, for they are very poor people, and I plead with this Council and with the Government that something should be done to give these fellows *ex gratia* compensation, to get some money by which they can put up huts elsewhere. The hon. member in reply said that the crops were not burnt. I think he misunderstood the hon. member Mr. Chemallan because I do not think he used the word "crops"; he used the word "food". In our petition to the Governor, in paragraph 2, we said that the damage involved is great. Thirty-four huts were burnt; also some granaries with foodstuffs—some granaries with foodstuffs.

MR. RANKINE: On a point of order, I do not know what this has to do with interpenetration, and the hon. member is well aware now that the Government has no right of reply, so it is hardly worth while making his point.

THE SPEAKER: The right of reply is restricted, of course, to replying to the points made against the motion. If this is new matter—I think it is new matter—then it ought not to be raised on the right of reply.

MR. MATHU: With all due deference to your ruling, sir, the hon. member did

mention crops of food and he did mention the burning of the huts. Those are the only two points I wanted to reply to. However, I agree with your ruling.

THE SPEAKER: You seem to have gone beyond those two points; that is all.

MR. MATHU: Finally, I should like to say that two points were raised by the hon. member in reply, and that is that Government will definitely see that the implementation of their present policy is carried out fairly and well, and that in the course of their finding some difficulties in the policy they would review that. I have no objection to that at all, and actually it was exactly what we wanted in moving this motion.

The question was put and carried.

## AFRICAN DISTRICT COUNCILS BILL

### SECOND READING

SIR CHARLES MORTIMER: Mr. Speaker, I beg to move: That the African District Councils Bill be read a second time.

The introduction of this very important measure marks a notable advance in the movement that has for a long time been the policy of this Government for the control of local affairs in African areas by Africans themselves. The Bill in its present form is the outcome of over three years of close study and consultation. We have had a Swahili version of the Bill prepared and that has been closely studied by all the 26 local native councils. Representations of those native councils have been carefully reviewed; there has been sitting a committee consisting of representatives from local native councils to consider all the views expressed and to provide conclusions. The Bill in its present form has been, in general, accepted by all the local native councils. There are certain differences of opinion on details as, of course, on a Bill of this kind it is quite impossible to please everybody. The Bill, however, does represent the general views of the local native councils of the Colony.

I would like here to pay a tribute to Mr. Colchester, who was the Commissioner for Local Government for over three years, and thought he put into this measure (hear, hear), and also to express our thanks to his successor and to those

[Sir Charles Mortimer] members of the Chief Native Commissioner's team, notably Mr. Evans and Mr. O'Hagan, who also spent a great deal of time on bringing this Bill into its final form.

The Bill is not perfect—we do not pretend that it is, even now I have a few amendments which I wish to bring forward at the committee stage. But it is a carefully prepared scheme of local government which goes far beyond any existing provisions in the law of this Colony. It is all part of the evolutionary progress towards the development in African communities of a sense of community obligation, local responsibility and service.

What do we mean by local government? Local government has been defined as the conduct of local services by the inhabitants of the locality who are themselves responsible for the planning and running of those services. That I think is a useful working definition. Now, for this object to attain any success, it is essential that the locality be not too large for local interest and local control to be maintained. For statutory purposes, we propose to work on the existing administrative areas and local native council boundaries, at any rate in the first instance, but we are going deeper than this in our practice of local government by means of broad-based councils in which we start the local base of the whole system. These are village or group councils under the general administrative guidance of a headman or sub-chief, and they have a very important part to play in the whole structure of local government. I hope I shall not be misunderstood when I say that in my view the development on right lines of our local government system in African areas from the broad base in the location councils, up through the African district councils to the Standing Committee for Local Government in African Areas, is of far greater importance to the Africans of this Colony than the addition of further African members to this Council.

Here in local government we are getting down to the fundamentals of our common life. The health and well-being of the people, clinics and maternity services, drainage of swamps, the cleanliness of the villages, improved housing

and sanitation, pure water supplies, the development of a road system providing for the free movement of goods and people—these are the things with which the people are really concerned and upon the efficient management of which the happiness and contentment of the whole community rests. Furthermore, it is in these organs of local government that we find the best training ground in the acceptance of responsibility, the development of integrity in public affairs and the evolution of a sense of community service and obligation to one's fellow-men. In the problems of our local government organizations we have already had notable achievements to our credit under our Native Authority Ordinance. Our local native councils operating under that Ordinance have been working with marked success for the most part for a number of years, and the time is now ripe for a further move forward. In making plans of this kind there is one fundamental necessity, a principle which we have endeavoured in framing this measure to follow. Immense and far-reaching changes have taken place and are from day to day continuously evolving amongst our African peoples. The impact of new experiences and new ideas on the Africans is terrific. These changes must inevitably be reflected in our local government system to a greater or less extent. Our system must therefore be devised in such a way as to meet these changing conditions without having to come to this Council from time to time to seek amendments of the law. We must provide for the needs of the more backward communities, which for a long time to come will require the maximum of administrative guidance and assistance, and yet, at the same time, we must avoid imposing upon the more advanced communities restrictions and limitations that may well prove irksome, those communities which have gone far on the pathway of responsible local government and have proved themselves worthy to be trusted with an even larger measure of control of their own affairs. Our system then must be flexible and must be capable of adaptation to changing needs and differing circumstances. The Bill now before Council has been framed with that object in view.

I will now refer to the main principles embodied in the Bill. As I understand

[Sir Charles Mortimer]

it is the wish of hon. members that this Bill be referred to a select committee, I shall confine myself to major principles and not go into a mass of detail, and, if I may make bold to suggest it, I hope that hon. members opposite will follow my example during the debate.

As in our existing local government legislation applicable to the settled areas, we have derived our main inspiration and guidance in the framing of this Bill from the British local government system, which has proved itself most suitable for adaptation to our needs and has, in fact, stood the test of time. The Bill provides for the setting up of African district councils to replace the existing local native councils and with powers and responsibilities similar to those at present possessed by the local government authorities in settled areas. These councils will be bodies corporate who can be sued and who can sue. They will have authority over such areas as may be specified in the Order creating them. It is intended, as I have said, at any rate at the beginning to use the existing local native council units. The constitution of the councils will be left largely in the hands of the provincial commissioners. In the beginning the district commissioner of the district will, *ex officio*, be a member of the council. The remainder of the council will consist of African members elected and nominated. At present, all local native councils have a majority of elected members and this will, of course, in general be maintained; perhaps the proportion of elected members will increase immediately, and will certainly be increased from time to time.

It will be necessary, however, for some years perhaps, to retain the district commissioner as president and to preserve a considerable element of nominated members. We look forward to a time when it will no longer be necessary for the district commissioner, in the interest of good order and good government, to remain the president of the district council. Indeed, the time will come when it will no longer be necessary for the district commissioner even to be a member of a council, when the community can safely be invested with power to run its own affairs and to elect a greater proportion of its members than at present, or even to elect all of them. Already in some

councils it is the practice for the African deputy president to take control of the council during part of its sessions, and that tendency will no doubt from time to time increase. The Bill, therefore, provides for flexibility and allows for an advance in responsibility for those councils who have shown their ability and reliability in dealing with their obligations.

Clauses 3 and 7 provide for the elasticity desired. The former gives the Governor the right to decide when a council has reached the stage when the district commissioner can safely be withdrawn from membership. Clause 7 gives to the provincial commissioner the right to prescribe the form and method of election of councillors. This will probably vary from council to council according to the stage of progress reached in the community which that council represents. The provincial commissioner may either appoint a president and vice-president or, if he thinks the time is ripe, may allow for either of those officers to be elected by the council itself. Clause 8 gives the right to the Chief Native Commissioner, the Member for Health and Local Government, the Provincial Commissioner, district commissioners and district officers to attend council meetings and to speak without the right to vote.

Part III of the Bill deals with the powers and duties of councils, and gives a great increase in executive authority in the areas under their control. Under clause 21, the Member for Health and Local Government may give authority to councils to undertake all or any of a very wide range of duties. This will mean that many of the duties hitherto performed by chiefs and headmen will, in future, devolve upon councils and their employees. Clause 15 provides for the appointment of committees. This is an essential part of any effective local government system and one, in fact, upon which the whole system is built up.

I want now to refer especially to sub-clause (25) of clause 21. This clause deals with building, equipping and maintaining schools and granting scholarships and bursaries to any school or educational institution, powers which at present prevail. It gives to district councils the power to establish and run schools in their areas. Hon. members are of course

[Sir Charles Mortimer] fully aware that in the Beecher Committee report there is a strong recommendation which runs counter to that principle and, while giving to district councils or local native councils the right to take a very considerable part in educational matters in their areas, does not leave with the district councils the sole authority for the establishment and the running of schools. I think hon. members will recognize the impropriety of having a general full-dress debate on educational policy upon this particular measure. The Beecher Report has not yet been debated in this Council. When it is, no doubt a great deal will be said upon that particular recommendation. Some decision will be arrived at as to the policy to be followed in future. I will give an undertaking that administrative action in regard to that particular clause in this Bill will be taken, in future, only in accordance with the decision arrived at after the debate on the Beecher Report. I will therefore respectfully ask hon. members to refrain during the rest of the debate from debating these particular clauses and going into a lot of detail on educational policy which is really irrelevant to this particular measure.

THE SPEAKER: May I ask whether there is a motion to adopt this particular report?

SIR CHARLES MORTIMER: I think not yet, sir, but there will be shortly.

Under clause 19 of the Bill an important provision is made which will permit African district councils to co-operate with other African district councils in matters requiring joint action and will enable them to set up joint committees with specified powers.

The by-law-making powers of the Bill are very far-reaching and comprehensive. They are divided, I hope hon. members have noticed, into two groups. The first group is covered by clause 22 and that includes a large number of subjects on which district councils may pass by-laws on their own initiative. The other group set out in clause 23 covers, for the most part, matters of agriculture, veterinary services and water supplies under the general control of my hon. friend the Member for Agriculture. Powers to deal with most of these matters are covered by existing law or will be covered by pro-

posed legislation. It is desired, however, wherever practicable to work through the statutory body, the African district council, in matters of this kind, but for obvious reasons it is important that there be no conflict of interest, no conflict of principles to be followed and guidance to be given. For this reason therefore by-laws on this group of subjects can be enacted by a district council only with the authority of the Member for Local Government. The Member for Local Government will, of course, co-operate with the Member for Agriculture and Natural Resources in giving that authority, and will be guided by the principles which the Member for Agriculture is endeavouring to follow in African areas, so the Member for Local Government will in fact prescribe the lines on which by-laws on these subjects can be made.

Included in this particular clause 23 are the regulations for the holding of public meetings and the imposition of produce and export taxes where African district councils desire to impose such taxes.

Part IV deals with the revenues of the councils and their powers of taxation. The revenues are to consist of rates, taxes or cesses, licence and permit fees, fees and fines collected by native courts, half the fines collected by subordinate courts by reason of breaches of the conditions of this Ordinance or of any by-laws under it, profits from services rendered, contributions by Government, trading licence fees collected from Africans within the area, and other smaller items. The powers of taxation go further than the existing law governing local native councils. They cover four possible different methods. First, a rate on immovable property; second, a tax on each adult male African, that is the system at present applying; third, a tax on each African woman having an independent income; fourth, a graduated tax on income. It should not be overlooked that this is merely an empowering measure, and the enactment of this particular clause does not mean that every African district council will at once rush in and apply any one or all four of these various methods of taxation, but it does give the desired amount of flexibility and will permit African district councils to review the situation in their own area and to decide on the policy they wish to adopt.

[Sir Charles Mortimer]

Part V is a most important part, dealing with accounts and audit. It must be recognized that the African district councils and their staffs will be handling very large sums of public money, and it is of the utmost importance that the accountability and inspectorial systems shall be as tight and as complete as we can possibly make them. (Hear, hear.) Clause 32 gives powers to raise loans on the security of the property and revenues of the council. Clause 34 requires that estimates shall be approved by the Member for Health and Local Government on the advice of the standing committee. Similar procedure is to be followed for supplementary estimates, but to save time and inconvenience the member may delegate to the Provincial Commissioner certain powers regarding the approval of supplementary estimates.

In clause 36, provision is made for an auditor to be appointed by the Member for Local Government. It is the intention, at any rate in the first instance, that the auditor shall be the Colonial Auditor and his staff. There will in addition be a local government inspector whose business it will be, not to audit the accounts, but to guide and educate the district council staff and the council itself in the practice and principle of local government, and try to ensure that they are brought up in the way they should go. Clause 37 gives a very necessary power of surcharge upon members of councils who are party to any infraction of the law or of local government principles.

In Part IV we have provisions laid down for the central organization, which will be the mainspring of the whole affair, and that will be a Standing Committee for Local Government in African areas. The committee will consist of three official members, the Commissioner for Local Government, a representative of the Member for Finance and the representative of the Chief Native Commissioner. There will in addition be six African members two of whom shall be members of this Council. At one time it was proposed that a central local government board should be established to form the central organization dealing with all local government affairs. On further examination, however, it proved that that would be, in present circum-

stances, an impracticable measure and would be in any event of little value. It seemed unlikely that such a body would be more knowledgeable or more skilled in dealing with local government affairs than the Standing Committee, and it did appear that the existence of such a body would be a delaying factor in the operation of local government institutions. Further, on examination it proved that the functions which could really be handed over to such a body would be of such a trifling nature that it was hardly worth while setting it up. We propose, therefore, to continue with the standing committee system, and to retain the Standing Committee for each of the three branches of our local government institutions, district councils, municipalities, and African district councils.

This Central Standing Committee will have various duties to do. It will advise on estimates and by-laws and any other matters that may be referred to it by the Member on which the Member may seek their advice. It is not provided that all by-laws shall go through that Standing Committee; a great mass of the by-laws will be in standard form following principles that have long been established and approved, and in my opinion it would be merely a waste of time, everybody's time, to have to submit them all to the Standing Committee. The intention is that the Member will submit to the Standing Committee for their advice such proposed by-laws as involve new principles or matters of considerable political or administrative importance, and I hope that hon. members will feel that this is the right course. We do not want to delay the operation of the law, and there is nothing more frustrating to a local authority than to have its by-laws held up waiting for the approval, which is usually a formality, of some central body.

I have only a very few other matters to which I need refer at this stage. Part VII deals with the legal procedure and contains a number of miscellaneous provisions, including comprehensive rule-making powers to ensure the smooth working of the organization. Clause 54 repeals certain sections of the Native Authority Ordinance that will become redundant on the passing of this Bill, and includes a saving clause to preserve all existing interests under the present law

[Sir Charles Mortimer]

until the new by-laws or provisions can be made under the new Ordinance.

I recommend this Bill to the sympathetic consideration of the Council. It is a bold and important measure, which represents an application to African areas of British local government principles, which is without parallel in the territories under the control of the Colonial Office. Its success or failure depends upon the African communities themselves. Here in this Bill we have a machine for the administration of African affairs which can be of immense benefit to the African community. Whether it will succeed depends upon the development in the African communities of a spirit of integrity and fairmindedness, of co-operation, of public service and community conscience. I have confidence that our Africans under the guidance of their members here and with their inspiration will rise to the opportunity that is now placed within their grasp, that they will enter this open door to larger responsibilities, to greater freedom, and to a fuller control of their own affairs.

MR. O'CONNOR seconded.

MR. JEREMIAH: Mr. Speaker, in speaking to this Bill I must at the outset say how happy I am to see that Government intends to give more powers to the African people to run their own affairs in their native land units. I understand that the powers which have been provided in this Bill are more far-reaching than those in the previous measure governing local native councils. My main regret regarding this Bill is that it does not provide a proper method of election of members to such councils. The method of election is left entirely to the discretion of the provincial commissioners, and I do not think it fair that such a responsibility should be placed on a man's shoulders. It would have been better if it had provided a direction that could have been followed, similar to the provision which I believe is laid down in the district councils for settled areas, and why such practice has not been followed here I cannot understand. I believe that an African district council is just as important as a district council in a settled area, and this Council should consider the possibility of providing a definite method of election of members

to these African district councils. Our main need would have been a provision that we should have a method by which every adult African could return his member in a free secret ballot.

It is argued that Africans are not as yet in a position to practise such highly civilized methods of election. That may be so in certain areas, but not in all; there are far advanced districts which can be entrusted with a proper civilized method of electing their members to these district councils. I believe that will have to be considered, and if this Council agrees they should at least issue some direction, and I consider it will be for the benefit of the people, especially in advanced areas. At present, due to an election being regarded as done mainly by the district commissioner, the chief objection to our local native councils is that they are actually the district commissioner's local native councils and members are only sent there to support him in giving advice. In most cases it is actually the district commissioner who gives advice and initiates matters. Any intelligent members who may bring in a new idea for discussion and the president considers that such advice is not necessary in the immediate future, he disagrees with it, and whatever the district commissioner says is actually his decision. I have been approached by local native council members that when they bring in a suggestion or proposal to the council and the district commissioner refuses it, what is their next action to be, because in most cases those members are frustrated. Some of the proposals are quite absurd, but in some cases quite reasonable and they do not receive consideration by the president.

"We on our part have been trying to impress upon members of local native councils that these are their councils and they could come to a decision on what is fair and is not only agreed to by the president if it is reasonable, but we have not in most cases been able to find people who can argue with equal force with their president, and if they feel that their proposal is going to be rejected they prefer to remain quiet. That is why I press strongly for consideration of providing a direction as to how these members to district councils should be elected.

I am very glad to see that the councils are going to be given more power. Most

[Mr. Jeremiah]

of the powers provided for under the new Bill are quite in keeping with modern progress, but in my opinion some of the powers provided for are rather offensive, because I cannot understand why any council at all should be given power to restrict almost every movement or other action of each individual. We have power to restrict even the freedom of recreation. It is provided that one cannot ever have a good dance without obtaining permission; one cannot even sell his goat without obtaining permission. One cannot even look after his land without permission or without committing an offence unless one obtains permission. It would be good if these powers could be applied for the benefit of the people, but that cannot be the case because under our present position I think in most cases, if the council or the president of the council, who has all the power, insists on the council introducing some of these provisions, the result I am afraid is not going to be for the benefit of the people. Rather it is going to be to the detriment of their interests.

We have seen this taking place in various places where order of demolition of existing buildings for trading has caused great hardship. Some people have been told where to build shops, they have put up temporary shops, and after a short while they have been told that they did not build them properly and they must be demolished. But a man cannot build another shop. The result is that his main source of living is lost. For such development I have no quarrel, but when it comes to almost everything an individual does I am very much afraid and I do not see why such things should have been included in the Bill. My main fear is that as long as we have the district commissioner as president of the council we shall still believe, although the measure may have been passed by a majority of the members of the council, that it has been introduced or pressed on them by the district commissioner, or the president. Therefore when hardship comes we still blame the Government. I believe no one would wish to see such things happen. I am prepared to blame the members of the African district council for any mess they may make in their councils, but I would not be happy to see such blame which may be brought about

by the action of the council being put upon the Government.

For that reason I still suggest for consideration by hon. members if such trivial matters which control the movement of individuals should not be deleted. We may be asking the people to do things which are beneficial, but if everything is controlled and regulated we surely kill the initiative of the individual.

I welcome very heartily the proposed constitution of the central organization, but the remarks just made by the hon. mover make me feel that if that is the position I am not satisfied with it. If the proposed central organization is going to be constituted and only sit there waiting for any by-law which may be made by the Member and to advise him, I do not think that is the proper way of going about things. The Standing Committee would, I suggest, be the proper body to advise on by-laws passed by a council. If that is not the case, the by-law can go direct to the Member from the Council concerned, and then the Member can seek the advice of the Standing Committee, if he wishes. But as the provision is now in the Bill that by-laws should go to the provincial commissioner, I do not agree that it should either go to the member direct or to the Standing Committee to advise the Member.

For that reason we welcome all the progress and improvement provided in this Bill, but as we are not satisfied with all the provisions made therein we may propose some amendment. I understand the Bill is going to a select committee, and I hope it may be possible for the committee to accept most of the amendments suggested. It should be borne in mind that the Standing Committee should be a proper Standing Committee and should have the full functions enjoyed by Standing Committees of other councils and district councils in certain areas.

I beg to support.

MR. COOKE: Mr. Speaker, I was a little bit sorry that my hon. friend who has just spoken and who is usually very constructive should have voiced a number of suspicions, but I feel that it is this suspicion that broods over this land which keeps back the development of this country, and I am certain that the Africans, if they think of it, will realize

[Mr. Cooke]

that this Bill is manifestly for their own good, and that although there may be certain clauses and ideas which they dislike, those can be put right by the process of trial and error. I think it is a very happy coincidence that my hon. friend the Member for Health and Local Government in what I was going to say was his swan song, but in his final benediction, should have put a seal on this most notable achievement of self-government in this country. (Applause.) This, I think, will rank as one of the greatest of his achievements, and that is saying a good deal.

Having said that, I must chide him on just one point. Did I understand him to say that the chairman of these district councils would be the district commissioner, because if he did that seems to me to be fettering the discretion of the provincial commissioners laid down in clause 6 or 7, I forget which it is, and is it not rather improper to put in, from the floor of this Council, a regulation which is not embodied in the Bill? If I misunderstood my hon. friend I apologize. I am not now arguing as to the right or wrong of the district commissioner being chairman of these provincial or district councils, but I understood my hon. friend to say he would *ipso facto* be chairman, while this Bill seems to leave it to the discretion of the provincial commissioner.

**SIR CHARLES MORTIMER:** On a point of explanation, what I said was not in abrogation of anything contained in the Bill. I said that it was the intention, and I think I am right in saying this, that in the first instance the district commissioner shall continue to be chairman, as he is at present of the local native council, but that the provincial commissioner may, when he thinks the time is right, take out the district commissioner from the chairmanship and either appoint a chairman from the members of the council or allow the council to elect its own chairman. In some councils that may come at an early date; in other councils it will, I am sure, be long deferred.

**MR. COOKE:** Thank you, sir. I think it is a pity anything like that should arise. However, I should like to say I heartily support the Bill.

**MR. DAVIES:** Mr. Speaker, as I understand that this Bill is going to a select

committee I will only say one or two things about it at this juncture.

First of all I should like to take this opportunity of congratulating the district administration, and the African members of the councils who, in the short time of 25 years have made a Bill like this possible. (Applause.) It has come about by a partnership of district administration and the Africans under their care, and I hope this partnership will long continue.

The second point I should like to make is one which has already been made by the hon. mover, but I should like to stress it, and that is that the contents of this Bill have been discussed for, I think, three years now, and the local native councils have given very long consideration to it, and I think we should be very careful about hasty amendments.

The third thing I should like to say is that it is a Bill which has to cover a great variety of councils. When you get down to drafting a Bill which has to cover councils varying as much as, say, Garissa on the one hand, and North Nyanza on the other, you have got to make what is contained in this Bill largely an enabling Bill. The powers under it are very largely permissive. Some of the powers which the hon. member Mr. Jeremiah has alluded to are purely permissive. If councils do not wish to have these powers there is no reason why they should.

The last thing I want to say is to echo what I think was once written by the Secretary of State for the Colonies, when he said that he wanted to see local government both local and efficient. I submit that this Bill is a Bill which will enable African local government to be local and to be efficient. I beg to support.

**MR. OHANGA:** Mr. Speaker, I rise to support the second reading of this Bill which, as the hon. member Mr. Jeremiah has already said, we welcome very much. The African community of this country has been waiting for the passing of this Bill through this Council for a number of years. It is a Bill in which throughout the country the people take a very great interest in, and they do so because they realize that it is a step towards legalizing what they are already doing through a different Ordinance, which does not give them as wide powers as are provided under this one.

[Mr. Ohanga]

As has already been said, the African local native councils, as they are called, came into being quite a number of years ago, up to 25 and more, and I am sure I am right when I say that these came into being through the initiative of the Africans themselves and not of the Government. It was through their demand that these bodies were formed. At this point I should like to comment upon the reasons why the Africans themselves were so interested in local authorities of this kind for their own benefit. I have already been advised by the hon. mover that I and other people on this side of Council should refrain from making comment on one particular clause, clause 21, which deals with education, and I accept the advice and the ruling. Nevertheless, I should like to say that, if this Bill went through this Council excluding that particular clause it would be taking out of the whole measure the only point which really interests any Africans in this country in the local government sphere.

It was only because of education at a local level that these councils were brought into being long before Government started providing for education. I thought it would be good if they were encouraged at first, at least, to do only those things which they themselves are particularly interested in.

One point of principle is that of local government. Any local government that has not got a local autonomy falls far short of what would be desirable. It seems to me that the administrative system seems to be intervening at too low a level over the functions, duties and powers of the proposed local governments. It is necessary that the Central Government should intervene. It is necessary that the proposals put before the Advisory Council or the Standing Committee should give guidance which is necessary for the proper training of these local members, but it seems to me that when members of the administration at a fairly low level are given almost executive powers, such as, for example, a district commissioner who may not necessarily be a president of any of these councils who has the power and authority to adjourn compulsorily a meeting that is going on, it seems to be intervening at rather a low level, which does not encourage initiative. That, I think, is important.

Local government should be self-government as much as possible. Already in executive posts we have African officers quite widely throughout the country, but sometimes it is not possible to find the right type of properly qualified technical men to fill these posts and it is necessary to find some other men, not necessarily Africans, to fill them. For our part we would like to feel that throughout African local government will be an African service, and that all these posts where possible should be filled by Africans. It is necessary that these people should be properly qualified, and those qualified men are not forthcoming. Where these people are not forthcoming arrangements should be made to make them available. The material already exists. If we want a treasurer, a medical officer or anyone qualified we can always produce him, and these district councils should be advised throughout the country to deliberately train the men they want for their executive posts, so that we are sure that local governments are thoroughly Africanized. For the time being it would be quite in order to make use of the material available, but the aim should be this thoroughly African service from beginning to end.

I could add a number of points I would like to raise, but as I understand we are going into committee for this perhaps I should not waste the time of Council.

Sir, I beg to support.

**MR. HAVELOCK:** Mr. Speaker, I do welcome this Bill in principle. I am very glad to see that African district councils will be enabled—because, after all, this is only an enabling Bill—to extend their powers and activities. At the same time they will be under the guidance of the Member, who I am sure will guide them in the right way, and I do want to support the remark made by the hon. mover to the effect that this matter must not be hurried, that it is a matter of easy progress, and that is what this Bill will allow. I hope that we will hasten slowly in this particular respect.

There is one question I would like the hon. mover to reply to; it is rather important, according to the wording of the particular clause. It is clause 22-(30) on page 10 of the Bill. This might give power to African district councils to regulate and control public transport ser-



[Mr. Havelock]

vices which serve the inhabitants of the districts concerned. I would like to know whether it was the intention of the drafters of this Bill that such control should only be over transport which only operates in the district concerned and does not pass through the district concerned; in other words, that no power is being given to regulate the transport which may be only passing through the African district council area to the harm possibly of other adjacent areas.

I do also welcome the suggestion made by the hon. mover that this Bill will go to a select committee, because I believe in detail there are one or two amendments which would improve the Bill as it stands at the moment.

Sir, I beg to support.

MR. MATHU: Mr. Speaker, I would like to support the second reading of this Bill, and in doing so say I was glad to hear the hon. Member for African Affairs pay a tribute to the district administration, and that was actually my first point. I was sorry he said it before I did, because I think the district commissioner for these last 25 years should be most heartily congratulated on guiding the African people to take a tremendous interest in their local affairs in a modern way. (Applause.) It is foolish for me, or any other person, to think that had it not been for the hard work of these district commissioners in the districts and the very unselfish way in which they have put on their shoulders matters of principle and matters of detail in African areas, we would not have had this Bill which we are debating to-day. On the other hand, I think it would be correct to say that if the African was very slow to learn, not very receptive, then it would have been also impossible for the district commissioners, as presidents of these councils, to take them to the distance that they have already done—(hear, hear)—and therefore the tribute goes to both.

The next point, sir, is that local government is definitely going to be the basis for the political advance of the African people in this land, as it has been the basis for political advance in Britain and in other countries, and that is why we feel that we should establish a very firm and sound foundation at a low level,

so that we can be sure that there will spring up from that foundation sound and healthy political principles which will enable the African to control his affairs locally and otherwise.

The third point I want to mention has already been dealt with very ably by my hon. friend Mr. Jeremiah, the question of elections. In clause 5 you have a proviso which enables district officers to decide where and how elections should take place. Our suggestions are exactly the same suggestions that have been made by an editorial in the paper *Baraza* of 31st December, 1949. I have not yet seen a better editorial in that paper before and therefore I shall not labour that point, but only say that the using of locational councils as electoral bodies is a retrogressive step. In certain districts we are definitely ready for the ballot box, and I do think we should encourage the African who is ready to exercise his political privilege to do so.

I am sorry we have not laid down in this Bill—and it is a point we will certainly raise in select committee—the qualifications both for electors and for those who are elected. It is a very important principle in local government anywhere, and we have left it out. We must have electoral registers throughout these districts so that we know who are to vote and who are to be voted for. That is a point we will raise in select committee.

Finally, the question of responsibility. As some of my colleagues have pointed out, some of the responsibilities we have included in this Bill are most welcome. There are a few to which we have actually already drawn the hon. Member's attention to which we take objection, and which we certainly shall bring forward as amendments in the select committee when it meets. One of the items in the Bill I would like to underline is that of the raising of loans. It is a very important thing, but there are two things I would like to mention. We should have a loaning authority set up as they have done in the United Kingdom, an authority which can raise loans after the sanction by the Minister of Health, and I think it is a point we shall also suggest in the select committee. A further point is that the interest charged on loans should be as low as possible. I think in the United Kingdom, at any rate up to 1946, it was

[Mr. Mathu]

4 per cent. If we are to charge very high interest I think it would discourage these councils to develop on money raised on loans. Finally, sir, it is important that we should see that the responsibilities of these councils should be those that will promote the happier and better lives of the African people. Unless they do that they would not be fulfilling their functions. I have confidence they will do, and after we have removed some of the unnecessary provisions that are in this Bill I think it will be possible to do so.

I should not like to sit down before quoting a sentence which occurs in a book called "British Policy in Kenya Colony" by an American writer named Dilley: "The Councils have proved to be valuable and surprisingly successful. They have a business-like attitude and are particularly commended for developing among the natives a sense of responsibility for their own needs". She was writing in 1937. If she were writing to-day she would say, I think, even better words than those she has used in that book.

Sir, I beg to support.

MAJOR CAVENDISH-BENTINCK: Mr. Speaker, I rise to support the second reading of this Bill, but I would like to say something about the Bill in view of the interest which the departments coming under my regis have in various powers to be conferred on African district councils. Under clauses 21, 22 and 23 various powers are given which affect agriculture very much indeed, also water supply. Clause 21 deals with the powers of councils, if authorized by the Member, and within those 9 out of 41 directly affect agriculture. Under clause 22, the general powers for making by-laws, 10 out of 32 of those powers again directly affect agriculture and agricultural progress. Under clause 23, the special powers to make by-laws if authorized by the Member for Local Government, no less than 13 out of 14 of those powers are matters which vitally affect the development of agriculture in this Colony.

Nobody is more conscious than I that if we are to make progress in matters of agriculture and soil conservation generally we must try and do so through the Africans themselves and through their own district councils or whatever the form of local government is. Nobody

is more anxious to progress along those lines than I am. At the same time I would point out that there are 26 councils proposed under this Ordinance—there are now 26 local native councils—in varying stages of development, and it is absolutely essential that we should ensure that any order or any steps taken by those councils do conform to the technical advice that is given by the departments which come under my regis and in accordance with the general policy of the country as a whole.

I have discussed this, I may say, at great length on many occasions with the hon. member who introduced this Bill, and I think we are both a little bit worried in our minds as to the best way of getting complete collaboration between the Member himself and the departments under my control. Therefore I am making this point because the Bill is going to a select committee, and it may be that a solution can be found in some possible alteration or amendment to clause 24. I thought I would place that on record before the select committee sat.

The other point I wish to make is this. As I have already said, development in almost every sphere in the African areas is dependent on support from the African and local activities of the local African people. As you will see from this measure, practically every single sphere of activity is covered in one way or another, or alluded to in one way or another, in this Bill. I would only venture to wonder whether the standing committee should not perhaps be presided over, in the first instance at any rate, by the Member for Local Government himself. It is a very important committee and, as I say, the activities which are alluded to in this Bill affect every sphere of development, and I think that possibly, in order to make sure that there is complete co-ordination and the best possible advice is given to these 26 district councils, the standing committee should be presided over in the first instance by the Member himself.

With those remarks I beg to support the Bill.

SIR CHARLES MORTIMER: Mr. Speaker, I welcome the cordial reception that has been given to this important measure. A few matters have been raised which can more appropriately be discussed in select committee, but I will refer to a

[Sir Charles Mortimer] few of the points that have been mentioned by hon. members.

The hon. member Mr. Jeremiah deplored that there was in the Bill no method of election laid down by statute. I think we are entirely right in preserving flexibility in this Bill. Hon. members are fully aware that in dealing with 26 African district councils we are dealing with 26 different levels of progress, from the most backward right up to the most advanced, and one system could never be applicable to all. It is important that the provincial commissioner, who has his finger on the pulse of the whole situation, should be the officer to decide when a district council has reached the stage for a further advance in this system of election or appointment and the method to be applied in any particular area. I would point out that the ballot box is by no means ruled out, and while a ballot box system on the lines of the British system would be inappropriate among a population which is, regrettably, largely illiterate, there is a possibility of developing other kinds of ballot system which I think can be effective and can be used with the greatest confidence, but I would ask that hon. members should agree that the method and the time should be left entirely flexible.

It has been said that there are far too many powers of restriction of activities in this measure. It is true that there are a number of restrictive powers placed in the hands of district councils. Every one of these restrictive powers, I think I am right in saying, has been asked for by the local native councils themselves and, as has already been pointed out, the clauses in the Bill are enabling clauses and the councils have no need to apply them if they do not wish to do so, and the councils after all do, or should, represent the community which has put them there. We do not want a council of "yes-men" put there by the district commissioner. We do want these councils to be fully representative of the people, and we are confident that the people themselves will realize their responsibility and put their best men in, and not, as I am told is the case in some countries, get the best councils that money can buy.

The Standing Committee will have plenty of work to do to keep it busy. It is rather a big committee and will not

be able to meet very frequently, and I do ask hon. members to believe me when I say that there is not the slightest intention to short-circuit the Standing Committee or to override it. The proposal that all by-laws should not go to the Standing Committee was made purely in the interests of the expeditious carrying out of business and allowing the district councils to get on with their job as quickly as possible. Local native councils even now complain of the delays when their resolutions, as they are now, have to go to Executive Council for formal approval. This can be discussed in select committee, but I would ask hon. members to remove from their minds suspicions of any intention of exercising bureaucratic authority and overriding the Standing Committee and African opinion.

The hon. member Mr. Ohanga raised the question of education. Fjoin in his tribute to the local native councils for the magnificent work they have done, but I do not propose to follow him in discussing the question of education, as we shall all have an opportunity of saying our say when the Beecher Committee Report comes up for consideration.

I agree with hon. members that as far as possible we should train our own African staffs to occupy positions of trust and responsibility under the African district councils. It has already been pointed out by hon. African members that there are not enough of these people at present to go round, but we think that remedies will be found and the situation will improve.

The hon. Member for Kiambu raised the question of powers to regulate and control transport in district council areas. It was the intention that this power should be exercised only in respect of transport within the individual district council areas, and not to regulate Colony transport or through transport where that is other than purely local.

I welcome the hon. member Mr. Mathu's suggestion about raising loans and the loan authority. That can be examined in select committee, in so far as it concerns this Bill. I also agree with him that the interest charged on loans should be as low as possible compatible with the preservation of the interests of the general taxpayer, and that the

[Sir Charles Mortimer]

Government should pass on to district councils loans at the lowest rate at which they themselves can obtain funds.

The hon. Member for Agriculture has raised a point that we can discuss in select committee about the co-operation between the Member for Health and Local Government and the Member for Agriculture, to ensure that agricultural policy is laid down for the whole country is properly carried out. His suggestion about the Member for Health and Local Government presiding over the Standing Committee I will make no comment upon, but I will bring it up in the select committee for consideration.

In closing I should like to join in the congratulations to the district administration, the local native councils and African communities for the very noteworthy advance that has been made in local government through the system of local native councils. It has been an achievement of which this Colony can be proud and of which our Administration will never have any reason to be ashamed. (Applause.)

I think I have covered all the points that require comment at this stage.

The question was put and carried.

MR. O'CONNOR moved: That the African District Councils Bill be referred to a select committee.

SIR CHARLES MORTIMER seconded.

The question was put and carried.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Friday, 20th January, 1950.

Friday, 20th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Friday, 20th January, 1950.

Mr. Speaker took the chair at 9.40 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 19th January, 1950, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

BY MR. RANKINE:

Report of Director of Audit, Kenya, on the accounts of the East African Railways and Harbours for 1948, estimates of revenue and expenditure of the East African Railways and Harbours for 1950.

BY MR. VASEY:

Report of the Public Accounts Committee on the Colonial Audit Department Report for 1947.

#### ORAL ANSWERS TO QUESTIONS

No. 2—HIGH RIDGE, NAIROBI

MR. MADAN:

Will Government please state if the distribution of plots to Asians in the High Ridge area, Nairobi, has been completed? If so, will Government publish a list of the names of the successful applicants, and also state what progress has been made for the development of this area?

SIR CHARLES MORTIMER: The special committee appointed to allocate plots in the High Ridge area has selected applicants for all the plots that are available. Most of these applicants have already been informed that their applications have been successful and arrangements are being made to inform the remainder without delay.

2. It is not yet known whether all the successful applicants will be willing to take up their plots as it has not been possible to inform them of the development charges which they will be asked to meet. It would be premature therefore to publish a list of successful applicants at the present time.

[Sir Charles Mortimer]

3. As regards the development of the area, it has not yet been possible to make an estimate of the cost of constructing roads and drains and difficulties have been met in devising a satisfactory sewerage system. Every effort is being made, however, to overcome these problems and to press on with the development.

### No. 3—HOTEL CONTROL

MR. COOKE (for Mr. Usher, absent):

1. Is the Government aware that in Mombasa and Nairobi there are many individuals and families resident in hotels for whom there is no alternative accommodation?

2. Is the Government aware that although the contemplated decontrol is not to come into force immediately, the proposal has nevertheless occasioned grave disquiet among residents of hotels on a permanent basis in these towns?

3. Will the Government please give an assurance that the control within the municipal areas of Mombasa and Nairobi will not be raised unless and until it is satisfied that adequate alternative accommodation is available?

4. Should the Government be unable to give the required answer, will it undertake to give opportunity for the debate of a motion on this subject during the present sitting of Legislative Council.

MR. HOPE-JONES: The reference to alternative accommodation is not fully understood as some people prefer to live in hotels for reasons of convenience while there are many houses for sale in Nairobi. The Government is not aware that the proposal to suspend control of hotel tariffs and charges with effect from the 1st of May has occasioned grave disquiet but it will not suspend control within the municipal areas of Nairobi and Mombasa or indeed elsewhere in the Colony unless it is advised after consultation with the appropriate authorities that it is in the public interest so to do.

MR. HAVELOCK: Arising out of that answer, would the hon. member tell us what he means by "the appropriate authorities"?

MR. HOPE-JONES: The Hotel Control Authority and the various organs of Government.

MR. VASEY: Among "the appropriate authorities" would the hon. member include the Chambers of Commerce?

MR. HOPE-JONES: Of course, sir.

### FLAX (TEMPORARY SUSPENSION) BILL

#### SECOND READING

MR. GILLETT: Mr. Speaker, I beg to move: That the Flax (Temporary Suspension) Bill be read a second time.

It is unnecessary for me to say much about the objects of this Bill because they are obvious, but I would take the opportunity of saying a few words on the why and wherefor for the information of hon. members on the other side of Council.

The objects of the Bill are to permit flax growers to make their own arrangements for the sale of crops subsequent to the 1948 flax crop so as to enable the Flax Board to wind up its affairs. Unfortunately, the harvesting of the crop takes about 18 months, and we have as yet been unable to complete negotiations regarding the marketing of the 1948 crop. The Flax Board at a meeting last year realized that, due to the very considerable reduction in the acreage of flax planted in the Colony, it would be unable to operate the Flax Ordinance as it had done in the past, more especially from the financial aspect, because, as hon. members are aware, the industry was financed by loans obtained in 1939 from the Colonial Development and Welfare Authority and the Kenya Government to establish and operate its flax factories. The Board therefore sent out a referendum to all growers and they unanimously agreed that the Flax Board should be wound up as soon as the 1948 crop had been disposed of.

I am pleased to be able to say that as a result of this recommendation the Flax Board has been able to repay the whole of the loans to the Colonial Development and Welfare Authority and the Kenya Government, and from the unaudited accounts that I have recently received from the Kenya Farmers' Association, agents to the Board, it would appear that we shall be able to wind up

[Mr. Gillett]

the affairs of the Board with a credit balance. (Hear, hear.)

I would not like it to be thought that the winding up of the Board is going to mean that the flax industry in this Colony is definitely dead. By no means, and certain farmers are, I know, going to continue the growing of flax on their own behalf, and the Flax Board have made arrangements whereby the flax factories at Molo and Hoy's Bridge which previously were the property of the Board should be handed over to persons in those areas who will continue the preparation of flax grown by farmers. In addition, there are one or two private individuals who will be able to prepare the crop of anyone who may continue to grow. Furthermore, in order to assist those persons who continue to grow flax, I have absorbed into my department the grader and late manager of Hoy's Bridge factory, who will be available on request to give all the assistance possible to those people who continue to grow this crop.

MR. PIKE (Acting Solicitor General) seconded.

The question was put and carried.

MR. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. PIKE seconded.

The question was put and carried.

Council in committee. The Bill was considered clause by clause.

MR. O'CONNOR moved: That the Bill be reported back to Council without amendment.

Council resumed, and the report was adopted.

#### THIRD READING

MR. O'CONNOR moved: That the Bill be read the third time and passed.

MR. PIKE seconded.

The question was put and carried, and the Bill read accordingly.

### COMMITTEE OF SUPPLY

#### ON DRAFT ESTIMATES OF EXPENDITURE FOR 1950

Council resumed in Committee of Supply consideration of the draft estimates of expenditure for 1950.

#### Part C—War Expenditure Civil

It had been proposed that Part C, War Expenditure Civil, Items 8 to 12, be approved.

MR. BLUNDELL: Mr. Chairman, item 9, I was speaking on this when we adjourned. I beg to move a reduction from £18,617 to £13,617 in the amount against the commodity distribution boards, for if the amount of commodities to be distributed has become less I do not think it is necessary for us to have the same staff as before, and I consider that a reduction might well be made here.

MR. HAVELOCK: On a point of order, would the hon. member be prepared to postpone his motion so that another member may raise a question on item 8?

THE CHAIRMAN: I will put them in the order in which they are in the estimates.

MR. PRESTON: Mr. Chairman, item 8—I should like to ask if Government would consider the appointment of a committee to go into the whole question of whisky allocation in this Colony, because since the war persons returning to some up-country areas are in some cases still quite unable to obtain a monthly bottle of whisky. This is a matter which does affect the farming community—(laughter)—particularly in the isolated districts where there are no facilities for clubs or hotels. It would appear to me that the town people are often in a position where they can go to their club or hotel, whereas these people out in the blue are deprived of a very useful stimulus. I would ask Government to give consideration to the formation of a committee who can go deeply into the matter to ensure fairer distribution.

MR. ESKINE: Mr. Chairman, I would like to support the motion of the hon. Member for Rift Valley to reduce the vote of the Commodity Distribution Boards. I think this could be done without any loss of efficiency by, in the first instance, recognizing that the job it has to do is to make bulk distribution of certain articles which are still scarce. There is one particular one which I wanted to mention as an example of scarcity which may have disappeared very soon, and that is rice. I believe that the big global shortage is now over, and it would be possible for the Imports and Supplies Control Office to allow individual merchants to import such quan-

[Mr. Erskine] titles of rice as they are offered from Siam and other places. That is an example of one shortage disappearing. I hope very much to see other shortages disappear, such as during the course of this year the shortage in sugar should almost disappear.

I wanted to draw attention to the fact that the activities of the Commodity Distribution Board are very similar to the activities of the Imports and Supplies Control Office. There are these two offices to make bulk allocations of such scarce commodities as are available, and I believe that there will be no hardship caused by this reduction in the vote if a saving was contemplated by putting these two offices under one roof and under the control of one man. I feel that that would take any sting there is out of this recommendation, and the time has now come when, as these scarcities get fewer and fewer, there should be a general economy in the administration and arrangements for bulk distribution in this Colony.

MR. NATHOO: Mr. Chairman, in the past in this Council the hon. Member for Commerce and Industry has time and again assured us that he as much as anybody else in this country was anxious to do away with controls as quickly as possible. But I regret to say that the same view is not held by people who are under him in these various controls and departments. We have known an instance when certain procedure was no longer required and we could decontrol or relax controls, the same work was still going on, and quite often the general public was put to unnecessary trouble in filling up forms and things formerly were necessary but which were no longer required. I beg to support.

MR. COOKE: Mr. Chairman, I would like to support the hon. Member for Nairobi South that there should be some sort of amalgamation. I know, of course, that on the question of controls everybody in this country roars aloud for decontrolling, but that as soon as the suggestion to decontrol is made it is difficult for anybody to come to a conclusion on this matter. It would therefore be better for Government to go ahead and make decisions and give decontrolling a trial. If I may briefly quote from a book by Sir Montague Burton, I think

he was addressing a company in England, he says, with regard to restrictions and how they hamper the people of England: "Restriction on freedom of action is to put a brake on progress. For instead of going ahead with the project or scheme in contemplation, one has to stand cap in hand in the corridor of negation and expend one's energy in argument and controversy in place of conserving it. One can only obtain the best from human endeavour if unfettered and free." I think that puts the matter in a nutshell. I would like to support my hon. friend the Member for Nyanza as well, although I am in danger of being accused by the hon. Member for Nairobi South of dealing with parochial matters.

MR. ERSKINE: Not at all.

MR. COOKE: I do think it is fair there should be a proper distribution of whisky in this country. I have already brought up this question. I have found the import controller very reasonable in this matter, because a couple of years ago I brought up an instance of where a big estate in this country was not able to purchase any spirits and he took immediate action and something was done. I do think there should be a complete redistribution of whisky because so much is getting into the black market to-day that there should be a reallocation of quotas.

MR. MOUSLEY: I would like to support the hon. Member for Nyanza in this, because it is a very difficult thing when you are living out in the country to get any supply at all, whereas if you can find some kind friend in town and put up the case that you really do need some you can always get it, so there is an instance that the distribution must be bad. It is proof that it is bad when other people can obtain extra supplies and many people who are far away from the source of supply cannot get any at all.

MR. BLUNDELL: On the question of whisky, I would just like to record that as no allowance is made in the price of spirits for agricultural districts it is largely an academic question to many farmers.

MR. HAVELOCK: On the question of item 10, Rent Control, may I ask the hon. member on a matter of policy

[Mr. Havelock] whether he will consider using the powers that exist in the Bill for exempting areas outside townships or closely residential settled areas from the provisions of the Rent Control Ordinance, which in itself would cheapen, I presume, the administration of these boards? It seems to me pretty fantastic that a farmer who goes away for six months and leaves his house empty under the present situation, I believe, is liable to have his house taken over and someone put in it, no matter where he lives—he may be hundreds of miles from any town—and I do hope the hon. Member will see his way to relaxing this control in these areas.

MR. HOPE-JONES: Mr. Chairman, I am not quite certain where we are as regards procedure?

THE CHAIRMAN: The hon. member has run a little wild. There is a motion to reduce item 9, but these other questions have been raised at the same time in order to give you the opportunity, I think, to deal with the lot.

MR. HOPE-JONES: Mr. Chairman, in that case I propose with your permission to reply to the points raised, and then sit down in case other members wish to speak to the motion.

As regards whisky distribution as raised by the hon. Member for Nyanza and supported by my hon. friends the Member for the Coast and the Member for Ukamba, I quite frankly am in somewhat of a quandary. I am at the present time considering removing the control from whisky altogether. (Applause.) I would say that applause at this stage is premature! I would certainly agree that the present system of distribution control does not result in satisfaction. Whisky is a thing the demand for which is practically unlimited in certain quarters. It is, as I would myself agree, a conventional necessity, and it has certain qualities that other spirits do not appear to possess.

As regards the present distribution control it is based on an assessment of performance in respect of various suppliers of spirit and their customers. I quite agree the present system is not working. For one thing there have been movements of population, shops have closed, the number of customers have grown or shrunk, and whisky has become a means by which trade is attracted if

whisky can be made available. I entirely agree it is an unsatisfactory state of affairs. It is very easy to call for a committee to go very deeply into the question, to make recommendations and to devise a new system of distribution, but, Mr. Chairman, if I may point out, all that costs money. All that requires thought. To deal with one commodity such as whisky, still in short supply unfortunately, a commodity that arouses the passions not only of hon. members on the other side of Council but hon. members on this side—Mr. Chairman, I find myself in a very difficult position.

I am faced with two alternatives. One is to try and devise another system, which will take time and money, and I do not think will give satisfaction, and the other is to decontrol it and let it take its chance. Why I said the applause was premature is this, if whisky is decontrolled and price control remains, then I think the ordinary economic processes will follow—that it will all disappear on to the black market. Therefore decontrol of whisky would, I am afraid, at any rate in economic terms, require the decontrol of the price.

You can see the prospect is not perhaps as attractive as it sounds. On the other hand, I personally am in favour of that course to see what happens, and I can promise hon. members that I will examine the possibility of doing it. Quite frankly, I do not think—short of a most elaborate system of control—we can have a satisfactory system of whisky distribution except through the ordinary economic processes of price and trade.

Now as regards rent control which my hon. friend the Member for Kiambu raised, I have already asked the Chairman of the Board to report on exactly the point raised by my hon. friend, and I hope very shortly that it will be possible to make a distinction between those areas where accommodation is still very tight indeed and those areas where it is very much easier. I must say I have been a little disappointed so far. I have myself got certain ideas on this subject and I thought it better to consult the appropriate authorities. I had certain ideas on this subject and, quite frankly, I was prepared to do something drastic, but it is extraordinary how as soon as I want to get rid of a control, as my hon. friend the Member for the Coast pointed out,

[Mr. Hope-Jones] everyone says: "No, it must stay." It is true everyone wants to reduce the cost, quite naturally.

I now feel I should give hon. members an opportunity to speak to the motion to reduce the vote on item 9 by £500. I think I have dealt with the outstanding points. I found it a little difficult at the time to distinguish between hon. member's remarks on the motion and hon. members' remarks on other matters, but if they will remind me that I have missed a point I will try to reply later on.

THE CHAIRMAN: The difficulty we were in was that I understood a motion was going to be moved in respect of No. 8 and it never was moved. That is how we have got into something of a muddle. I think we should now confine any further debate to this motion to reduce item 9. There is no member wishing to speak further on that?

MR. HOPE-JONES: Mr. Chairman, with regard to the motion proposed by the hon. Member for Rift Valley, I have a very great deal of sympathy with what he has said. The Commodity Distribution Board, since I took it over a little longer than 18 months ago, has been reduced in cost by a very considerable amount. First of all we abolished coupon rationing. I may say when we abolished coupon rationing a good deal of disquiet was expressed publicly, not only by hon. members but by other people, and a great deal was expressed privately. There was a very great movement on the part of certain articulate people to say, or prepare themselves to say (I am not referring to hon. members): "I told you so" if they were not wrong. We had a very critical period in regard to coupon rationing last summer when there was a great deal of pressure from many quarters to reintroduce it. We managed to survive that period, and, I may be frank, at the cost of inconvenience to consumers, particularly African consumers, but we did save the necessity of reintroducing coupon rationing. If you introduce it for one commodity it is almost as costly as introducing it for four or five, but it is a matter of business common sense. We did manage to avoid it.

In addition to that, throughout the year we have managed consequently to

cut down and make savings. Why I say I welcome what my hon. friend has said in regard to the reduction by £5,000 of the cost of the Commodity Distribution Boards is this. We are discussing the estimated expenditure for 1950. In a matter such as the Commodity Distribution Boards it is not possible to estimate as closely with our organization, which is retained in being to deal with problems that affect every person in this country, as it is, for instance, with the Geological Department or the Mines Department which also come under my aegis. After all, we all hope there will be plenty of rice in the country in the course of this year, and thanks largely to the efforts of private traders in this country who have been scouring the world to find rice, and also thanks largely to assistance we have received in London from the East African Commissioner and also from the Ministry of Food, it does look as though we will have more rice in the country towards the spring of this year. As regards sugar, again thanks to the help from my hon. friend the Member for Agriculture, we have managed to get a more satisfactory price structure. We hope again there will not be a drought in Uganda and we hope we will get some from Uganda. We have also again been scouring the world for sugar, and we hope that what sugar we get from overseas will be a good deal better than some of the stuff sent to us during this year.

I mention these things because I hope myself to be able to get rid of bulk distribution control in regard to a good many items during the course of the year, with the help of my hon. friend the Member for Agriculture—remember he, too, is concerned in this because in regard to the production of local foodstuffs his departments are responsible—and even he cannot control the weather. We must keep in mind our balance for payment, and the fact that we can get food from overseas and must get it and do get it, is not necessarily a good thing because after all, that is a drain on the resources of this country, and anything we produce here and eat ourselves is, if I may remind hon. members, a form of subsistence agriculture that also enters into the national income.

What I would like to suggest to my hon. friend is this. I am fairly certain

[Mr. Hope-Jones] that I will be able to carry out his wishes and the wishes of other hon. members and save £5,000, if not more, on the vote during the course of the year. I find it difficult to accept the motion in the form it stands for this reason—that as long as hon. members place upon this Government the responsibility of seeing that bulk distribution of food is carried out for the protection and satisfaction of the public, and this organization in being is largely maintained to deal with eventualities that we cannot always foresee, because they are outside our control, I would be reluctant for those reasons to accept a motion tying the Government down to a specific sum. What I can say, and I say it quite categorically—and I would point out that everything I have said in the past in regard to the reduction in expenditure on Commodity Distribution Boards I have carried out not only to the last shilling, but generally to two or three times more than the amount I have been asked—is that I am confident, unless there is a drought or some natural disaster of that kind, that I will be able to do more than the hon. member, in proposing his motion, has asked me to do. I would be quite happy to accept a total reduction on the understanding that I would try to carry out the terms of the original motion, but, Mr. Chairman, I would have great difficulty, for the reasons I have tried to give, in accepting the motion as it stands.

MR. BLUNDELL: Mr. Chairman, I should like to amend my motion from a reduction from £18,617 to £18,517 and accept the assurance given by the hon. member.

MR. HOPE-JONES: On behalf of the Government, sir, I can accept that motion.

THE CHAIRMAN: Hon. members have such very irregular ways of amendment that I am not quite sure what the amendment is. You first of all moved to reduce the vote by £5,000?

MR. BLUNDELL: Yes, I want to reduce it now by £100.

THE CHAIRMAN: We will withdraw the motion to reduce item 9 by £5,000 and substitute a motion to reduce it by £100.

MR. VASEY: There is just one point I would like to ask the hon. member. It

is a minor detail after the wide range of reply we have listened to, and I am sure there is a good answer. Could he tell me why item 1 in Appendix D has jumped from £1,014 to £1,520?

MR. HOPE-JONES: That is a printer's error. The figure should appear as £300 less, because when you go back to the Secretariat figure you will find the salary is revised by £300. The Chairman is, in fact, not receiving more this year. You will remember that the Motor Vehicle Controller disappeared from the estimates, but Mr. Dolton, who acts as Chairman of the Commodity Distribution Boards, was employed, because his job was not held to be full time by the Secretariat, on special duties, for which he received, I believe, £300, and there is in these estimates double provision. In other words, the figure should not read £1,520 but should read £300 less.

MR. VASEY: I thank the hon. gentleman for the very complicated and not quite clear answer as far as I am concerned, but I think I understand this should really be somewhere else!

THE CHAIRMAN: Does that affect the figure of the total vote under Part C?

MR. COOKE: Is this clear out—do we say "Yes" when we are meant to say "No"?

CHAIRMAN: I will put the question under Part C, item 9, that the amount of £18,617 be reduced by £100.

The question was put and carried.

MR. NATHOO: I rise to inquire—I think there is some confusion in my mind as I think there is on some other people's minds—whether when we are discussing these items we can speak on items 10, 11 and 12.

CHAIRMAN: We are going on to 10, 11 and 12.

MR. NATHOO: On item 10, I would like to make a few remarks regarding these Rent Control Boards.

Before it was proposed to set up these Rent Control Boards people who had some grievance in respect of their houses had to go to the Supreme Court after having received permission from the Land Control Board in existence. Under the new set up most of these disputes can be decided by the present Control Board. During the last few months, since

[Mr. Nathoo]

these Boards have been in existence, we have found that if these present Rent Control Boards are run efficiently and a bit more effectively than they are at the moment they can do a tremendous amount of good, and for that reason I want to suggest to the hon. Member for Commerce and Industry that while the public has been saved the enormous expense of going to the Supreme Court with their grievances a nominal fee of £1 per plaint should be introduced, so that any extra expenses incurred in connexion with the Boards to expedite their business can be covered.

MR. HOPE-JONES: I thank the hon. member for his suggestion. I will certainly look into it with the hon. Member for Finance—I hardly anticipate opposition from that quarter.

The question that items 8 to 12, with item 9 amended, be approved was put and carried.

MR. ERSKINE: Sir, in regard to item 13, Price Control Office, I do feel that the suggestion that I have made on one or two previous occasions, including once to-day, is worthy of consideration by this Committee. I have tried to explain, sir, that the regulating of shortages is one activity and could be performed by one department. I believe that price control, having been started during the war for very necessary reasons to combat an even greater evil, will continue while any article which is important to the housewife remains scarce. There is only one cure for price control and that is saturation. Saturation point comes quickly in this country, it comes overnight. An article is scarce one day and the next day is being sold throughout the market below cost, but there are still shortages and they still need to be controlled.

Yesterday I attended a meeting of an advisory committee to the Price Controller. I would like to take this opportunity of congratulating the Price Controller on the able way in which he conducted a very difficult meeting. The most important man next to the Price Controller at that meeting—even more important than the hon. Member for Nairobi South—was the Imports Controller. He was a vital member of that meeting. If he said that he had for reasons over which he had no control

to regulate the imports of a certain article and therefore there was a shortage of that article, and every single one of us attending that meeting agreed it should continue to remain on price control. It is obvious that if people want £1,000 worth of spare parts for tractors in this country and for currency reasons or other reasons only £100 worth come in, quite obviously it must be controlled right up to the moment when the farmer goes into a shop and places an order for one of these spare parts. Business men are not entirely altruists. Of course they take whatever profit they can get, and these shortages still resulting from the war must continue to be regulated until saturation point in any one of them is reached.

But at that meeting yesterday it became very apparent that saturation point had been reached and passed in a very very wide range of articles. Everybody there including, if I may speak for him, the Price Controller himself realized that point had been reached. I do think that we now can accept the principal I have propounded, that the regulation of shortages is one activity and should be done under one roof, under the control of one man. I will not go back to the commodities' history nor back to imports and supplies, but I do suggest that as I have not had a reply to this suggestion or comments on my suggestion from the Member for Commerce and Industry that he should at this stage give me his views on that suggestion of mine. It would make, in my opinion, for greater efficiency and for greater economy. Believing as I do that this can be done I am going to move a reduction of £5,000 in the Price Control vote, and in doing so I am not putting the suggestion forward just to tease, I am not alleging redundancy or anything of that sort—I am just suggesting a way by which greater efficiency and greater economy could at this stage, 1950, five years after the war has ended, be practised to the benefit of all.

I therefore move that reduction of £5,000 in the Price Control Office vote, item 13.

MR. NATHOO: Mr. Chairman, I too rise to support the hon. Member for Nairobi South in this connexion.

I am very glad to hear the remarks of the hon. Member for Nairobi South

[Mr. Nathoo]

in respect of the new Price Controller, and I hope that inhabitants of this country will have a more efficient department and a department which will take advice from the committee specially appointed for that job. Just before his arrival in this country the commercial community had a tremendous grievance inasmuch as all their advice was either ignored or completely disregarded. We hope that this reduction is possible. It is quite possible that the Government will find it acceptable coming as it is at this stage, when so many articles, owing to the fact they are in free supply, can be decontrolled.

MR. VASEY: Mr. Chairman, I think I can anticipate the reply from the other side to the suggestion made by the hon. Member for Nairobi South. It will, I think, obviously be that imports control, and commodity distribution, are the responsibility of one member, and that Price Control is the responsibility of another member. I would suggest, however, that the policy that has existed in the past is not of necessity the policy that need exist in the future and if, by a review of policy and by placing the responsibility for Price Control in the capable hands of the hon. Member for Commerce and Industry, we can get a combination which will save money, I have no doubt that we shall be very glad to hear that policy recommended.

MR. HAVELOCK: Mr. Chairman, I support entirely this motion by the hon. Member for Nairobi South, and feel he has given a very important reason why he considers the vote can be reduced. I am merely disappointed he did not make the figure £6,000, because I understand the hon. Member for Finance has already promised that he will try to reduce it to that figure. However, there are other reasons which I do believe may play a part in the reduction of the cost of this particular department, and it may be that the change of Price Controller will make a difference. I sincerely hope it will.

I do believe that up to some few weeks ago, or months ago, Price Control was wasting its time on very petty little things. With your permission I should like to quote very shortly from the *Mombasa Times* an article which was published a few weeks ago which is headed "How big is a small coco-nut?" It concerns a

certain gentleman who was brought before the Resident Magistrate's court in Mombasa and was fined Sh. 50, or a month, for selling a small coco-nut for the price of a big one, and the article goes on to say that "we"—that is the representatives of the paper—"went out with a tape-measure yesterday and *pinned* up some coco-nuts, and the whole thing seems to be—do you measure the beard or don't you? If you do, you find, as with all other beards, they vary. Some can be classified as 'small imperial', others come into the category of the 'goatee'". I will not carry on with that, but it does show the stupid frivolous things that the Price Control in the past has been wasting time on, because no doubt the Price Controller himself, or his representative in Mombasa, would have to go round, as is said here, *pinned* coco-nuts and taking beards into consideration to find out what is a large and what a small coco-nut.

I do hope also that the Price Control Department will benefit from the excellent suggestion made by members on this side, and that they will only get down to the things of importance and use their powers only on things of importance, essentials for the public. I hope that policy will obtain in the future, in which case I am quite sure the expenses of the department can be reduced.

MR. MATTHEWS: Mr. Chairman, I do appreciate the principle made by the hon. Member for Nairobi South, but I suggest that it can go too far of course. Nobody would suggest, for instance, that the authority controlling the distribution of milk should, shall we say, also control the distribution of water. However, I do see a great deal in what he says, and of course both imports control and price control are tending to diminish. In these circumstances I will undertake, in consultation with the hon. Member for Commerce and Industry, to see whether some such integration as that suggested can in fact be effected.

I was not taken entirely unawares by the motion to reduce the vote by £5,000. As I have already stated in this Council, I have had an opportunity of discussing the matter with the Controller of Prices, and I ask that I should be allowed by Council to think this matter over a bit further, but I am convinced at this stage that I can, on behalf of Government,

[Mr. Matthews] accept the motion to reduce by £5,000. (Hear, hear.) In these circumstances it can be regarded as accepted.

There is just one further point, that made by the hon. Member for Kiambu. It may be true that a certain amount of the time of the subordinate staff of the Price Control office in Mombasa is taken up by measuring the size of coco-nuts. No report of that has been made to me, but I would point out to him that there are other and very much bigger things dealt with by the Price Control office than that. (MR. HAVELOCK: I hope so.) I can assure hon. members that the effective return from this department is very considerable. There was a recent case in which, owing to the devaluation of sterling in terms of the dollar, it was necessary to consider the new price of a certain commodity in very general use. Had we accepted then and there the proposals of the commercial concerns dealing with that commodity, instead of examining the matter with great care and great anxiety and securing that the increase in price did not operate before the proper date, the cost to this country would have far exceeded the cost of the department. I may say that this department saved the taxpayers of this country well over £100,000, as compared with the £31,000 which the taxpayers are being asked to pay for this department, well over £100,000.

In these circumstances I think it would be agreed that there are other activities of the department besides distinguishing between goat-bearded coco-nuts and ordinary Lever coco-nuts. As I say, however, Government will accept the motion to reduce.

The question of the amendment was put and carried.

The question of the approval of items 13 to 15 was put and carried.

#### DEVELOPMENT AND RECONSTRUCTION AUTHORITY

##### Head 1—Administrative and General

MR. RANKINE: Mr. Chairman, if hon. members would now turn to Volume IV, that is the draft estimates of revenue and expenditure of the Development and Reconstruction Authority. I beg to move: That Head 1, Administrative and General, items 1 and 2, be approved. I am

only moving these two items in the first instance because I understand that hon. members would like to have a debate on the subject of the Development and Reconstruction Authority generally, particularly with regard to the organization of the Authority, and would like from me some explanation. I have an amendment to propose to item 3, and so I will move in the first instance items 1 and 2.

I understand that there is still a good deal of confusion, and perhaps misconception, on the subject of the object and functions of the Development and Reconstruction Authority, so I will open my remarks by saying something about the Authority itself.

The reorganization of the machinery of the Government of Kenya in order to meet efficiently and expeditiously the complexity of post-war conditions, and the primary problems of development and reconstruction, were set out in Sessional Paper No. 3 of 1947, which was duly debated in this Council and approved. These proposals included the establishment of a non-political Development and Reconstruction Authority which was to be responsible to the Governor for the co-ordinated execution of approved development projects. It may be that some hon. members no longer have copies of Sessional Paper No. 3, and therefore I would remind them that the first chapter of our annual reports are devoted to a description of the origins and functions of the Development and Reconstruction Authority. Its primary purpose, as I have said, is the execution of approved development plans. I should like to underline two words—they are "execution" and "approved"—because certain members of this Council and of the public have given me the impression from time to time that their idea is that I have unlimited funds at my disposal to execute any scheme that may come to my particular fancy. I can only undertake approved schemes.

The second point I should like to make is that the Authority is not responsible for planning. That is the function of the member concerned, and I make that point not because, as a member of the Government, I wish to get out of any responsibility for planning, but simply because, as I have said, many members appear to be under the impression that

[Mr. Rankine] The Development and Reconstruction Authority is a sort of fairy godmother, with an unlimited pocket, which can take on any scheme, finance it, and put it into operation. Members may remind me that in paragraph 8 of the Development Committee's report it was recommended that the Development and Reconstruction Authority should set up a Planning Committee. That is true. It has been set up and it is already engaged upon its tasks, but I would remind the Committee that the Planning Committee as envisaged by the Development Committee was not intended to draw up new plans, but rather to revise existing plans in order to meet changed conditions.

It was very soon apparent to me, however, that very much more was required than the mere revision of existing plans. Many plans were completely out of date. New needs had arisen, and it seemed obvious that in many cases it was a case not of revising plans but of drawing up completely new plans. So much so that it seems to me that in a young country like this planning is not a process that can be undertaken at any one time and a blue-print drawn up for any given period in the future, but planning is a continuous process which must go on all the time, in order to meet new needs as they arise. For that reason I have made proposals, which Government is now considering, designed to convert the Planning Committee of the Development and Reconstruction Authority into a Standing Planning Committee which would go on all the time.

The next point I should like to make is that the Development and Reconstruction Authority is not an entity entirely separate from the Government. It is true that, in order to indicate the distinction between development and reconstruction finance, and other Government finance, and to give a clear picture to this Council and to the taxpayers, the Development and Reconstruction Authority estimates are shown separately. But the Development and Reconstruction Authority is not a fifth wheel to the coach. On the contrary, the Development and Reconstruction Authority is an integral part of the Government, and to carry out its purposes it uses the ordinary departments and agencies of Government. For instance, it uses the Agricultural Depart-

ment for carrying out agricultural schemes, and of course it uses the Public Works Department for carrying out works schemes. Now, members of this Council and this Committee have shown that they are very allergic to the creation of new departments, and I do not think the Development and Reconstruction Authority could be accused of setting up new departments unnecessarily; in fact it has not done that. What it does do is to use the ordinary departments and agencies of Government. Where necessary, it provides those departments with additional staff, engaged on temporary terms, but that staff works in the appropriate department and is under the orders and directions of the head of the department, and is not directly responsible to me.

So much for the functions and the organization of the Authority.

Before I leave the subject I ought to announce to the Council that Sir Reginald Robins has found it necessary to resign from the Board of the Authority, and Government has accepted his resignation, naturally with much regret. The chief reason for his resignation is that he has found it necessary to reduce his outside activities in order to devote more time to his transport responsibilities. I should like to take this opportunity of paying a tribute to the services which Sir Reginald has rendered to the Authority and to Government on the Board of the Development and Reconstruction Authority. (Applause.) In addition to his very wide knowledge of all aspects of the Colony, gained from his connexion with transport, he has made a very special study of the Colony's economy and he has brought his specialized knowledge and experience to the assistance of the Authority. I shall be extremely sorry to lose his services, but I do know that when special problems arise we shall still be able to call on his assistance.

With regard to the programme itself, the original Development and Reconstruction Authority programme envisaged a total expenditure over the ten-year period of £19,000,000. Since that was approved, the programme has been extended in several ways. In the first place, a number of additional allocations have been made, and the Authority has been asked to take on additional works for which money has been pro-

[Mr. Rankine] vided. Details of these additional allocations will be found in the table on page 10. Some of those were for specific objects, others were merely additions to the Development and Reconstruction fund towards the increased cost of approved schemes. Secondly, although no specific allocations have yet been made to the Authority for the purpose, last year when the estimates were approved the Authority was authorized to incur additional expenditure to the extent of approximately £1,500,000 to enable a start to be made on certain projects which were of an urgent and inescapable nature. This year you are asked to do the same, and I would invite the attention of the Committee particularly to page 24 of the memorandum and to the Schedule at the end of the memorandum in which those additions are set out.

Thus, assuming that these estimates are passed, the total authorized expenditure to date will be of the order of £24,000,000.

Finally, the Planning Committee which, as I have already explained, is now engaged upon its task, is recommending certain additions again of an inescapable and urgent character, which will be placed before you as soon as we can draft an interim report. The total cost of it is approximately £135,000.

Of the authorized expenditure the following has been spent to date: 1946, £984,000; 1947, £1,587,500; odd: 1948, £2,474,575; estimated approximately, £4,554,000; making a total of approximately £9,600,000. The accounts for 1948 have just been closed, and there may be a small alteration in the figure I have given. Again, I think that our actual expenditure last year will be nearer £4,000,000 than £4,500,000. Hon. members will see that assuming that our total development expenditure is approximately £24,000,000 for the ten-year period, we have spent over the first four years very slightly behind what would be the average expenditure. Assuming that the programme is extended to a total of about £28,000,000, we will have spent by the end of this year just about what should be the average to date. But, of course, we spent much less in the earlier years, and the tempo has risen. It will be quite clear that we cannot continue to expend at the rate of approximately

£4,500,000, to which I will refer later, for the rest of the period. In other words, the expenditure if we are not to get additional funds will have to be scaled down towards the end of the period.

The financial statement is given at the top of page 5, but I would ask hon. members to regard this with some caution since it reflects a purely theoretical position. In actual fact, as hon. members know, the finances of the Development and Reconstruction Authority have not been physically separated from those of the Colony, and up to now the Development and Reconstruction Authority has been financed out of the general till. This means that it has only been necessary to take by way of advances pending the raising of loans such an amount as is equal to the actual difference between revenue and expenditure.

When the estimates for 1949 were framed, provision was made to allow the spending of about £6,000,000 which included £2,500,000 by way of advance pending a loan. Since we will have spent last year only about £4,000,000, it is obvious that we will only have to have about £500,000 by way of advances. The total revenue which is expected to accrue to the Authority in 1950, including the balances from the various funds, the contribution from revenue and the contributions we expect to receive from the Colonial Development and Welfare Fund amount to approximately £1,400,000, so that if our actual expenditure is £4,500,000 we shall have to borrow from the Colony pending the raising of a loan something in the region of just over £3,000,000. The revenue we expect to derive from the Colonial Development and Welfare Fund is shown in the table off page 9. I should explain here that we will only draw the actual amounts we spend.

The position with regard to other sources of revenue is shown on page 10, and hon. members will note the position with regard to other funds and that generally speaking we intend to take into the Authority's fund this year the remaining balance from any funds. This is in accordance with our policy of financing ourselves without recourse to loans as long as possible, but I should hasten to explain that that does not mean that all the schemes undertaken so far will necessarily be financed from these sources

[Mr. Rankine] or—that all schemes undertaken in the future will necessarily be financed from loans. It is the intention when loans are raised to examine all capital expenditure and to include against the loans any schemes which even although they have already been done may be appropriate to charge to loan funds. For instance, the new Kenya Girls' High School may be a very suitable scheme to include in the next loan schedule.

I have discussed with the hon. Financial Secretary the question of separating the Development and Reconstruction Authority finance physically from those of the Colony, and he considers that we ought to do it as soon as possible in order that closer financial control should be exercised over the day to day administration of the Development and Reconstruction Authority funds. In order to exercise that control, and in order to give the chairman of the Development and Reconstruction Authority expert financial advice, we consider that there should be a financial adviser to the Authority, and that is why I have only moved items 1 and 2 because when we have disposed of them I propose to move an additional item, item 3, the post of a financial adviser, who would have the status of an assistant financial secretary. It is our intention that this officer should be attached to the financial section of the Secretariat, should be directly responsible to the Financial Secretary, and should be detailed to advise the chairman of the Development and Reconstruction Authority. We are at present considering whether that officer could not also undertake the duties of secretary to the Planning Committee and planning officer. I should say that the salary proposed is on the scale of an assistant financial secretary, and that if he undertook these additional functions there might be a case for a slightly higher salary. (MR. COOKE: Will he ask for a deputy?) He is only an assistant himself. (Laughter.)

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

MR. RANKINE (continuing): When we broke off I was just coming to the total expenditure. Hon. members will see that the total expenditure included in the estimates is just over £6,000,000. As

explained in the memorandum it is not suggested that all this money should actually be spent or that all the projects included in the estimates can actually be carried out. There is an important difference between the Development and Reconstruction Authority estimates and the Colony's revenue estimates. As you know, one of the objects of the establishment of the Authority and the separation of the Development and Reconstruction Authority budget from the Colony's budget was to enable development expenditure to be debited against a specific development fund on a longer term basis than is possible under the normal Colonial Government system of accounts and annual estimates. Strictly speaking, when the Development Committee's report was adopted and funds were voted to carry it out, it was no longer necessary to seek legislative approval every year for the individual schemes. The Development and Reconstruction Authority estimates represent not so much what will actually be carried out this year as that instalment of the Development and Reconstruction plan which it is proposed to carry out during the next phase of the programme, and the estimates are presented to this Council in order to give Council an indication of the projects which it is intended to include in the next instalment of the plan, and also of the rate at which development moneys are being injected into the Colony's economy.

There is another important reason why the whole of the £6,000,000 odd will not be expended this year. At the time when the Development and Reconstruction Authority estimates were drawn up my hon. friend the Financial Secretary, who had just taken up his appointment, had naturally not had an adequate opportunity to make a proper examination of the finance of the Development and Reconstruction Authority. When he did, as he explained to the Council in his budget speech, he came to the conclusion first, that it was not possible to finance all the projects which were being pressed upon the Government, and secondly, that it was not possible to sustain the present rate of expenditure. I have already referred to that question a little earlier, and I explained that if the total programme is in the region of £24,000,000 or £28,000,000 over the ten years, obviously we cannot con-



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tinue to expend at the rate of between £4,000,000 and £6,000,000 annually; that the programme got off to a slow start, but that this has been made up, and it will have to be scaled down towards the end of the period. Having studied the position, the Financial Secretary came to the conclusion that the total Development and Reconstruction Authority expenditure for 1950 should not exceed £4,500,000, and that figure was therefore fixed as the ceiling for this year. It has since been slightly extended to the extent of another £150,000, in order to increase by that sum the amount available for agriculture.

I know that the question of the total capital expenditure in any one year is a matter which has been exercising the minds of some of the more thoughtful members both of this Council and the community, both from the point of view of its inflationary effect upon the general economy of the country, and also the rate of execution of the development programme. Up to now, although very great pressure has been brought to bear upon the Government all the time to increase the tempo of development, the main factor affecting the rate has been the general shortage after the war of staff, plant and materials. From now on, the governing factor is more likely to be not the amount of work that we can actually carry out, but the funds which can be made available to finance it, and the rate at which it is considered that capital expenditure should be added to the normal expenditure of the Colony. I feel, particularly after what was said at the opening of this debate, that hon. members will be glad to hear that this question has been carefully examined and I feel that they will welcome the fixing of an overall ceiling. Of course, if we were completely free agents in the matter and were able to follow the advice of professional economists, we would hardly be spending any capital at all at the present time, when rates of building and other costs are so high. (MR. COOKE: They may be higher still in a few years.) We would be building up our reserves with a view to doing as much capital work as we could when rates and costs became lower, and, of course, using capital expenditure as an instrument of policy to offset the effects of the slump

which pessimists so often prophesy. But the fact is we are not free agents in the matter, and if hon. members will scrutinize the estimates, I do not think they will find any items which could reasonably be postponed until a later date.

Naturally members will be very anxious to hear how this ceiling of just over £4,500,000 has been broken down into allocations between the various heads. As you can imagine, this has proved a most difficult and invidious task, and will be the cause of a good deal of disappointment to many members and others, who will see some of their most cherished schemes having to be postponed until a later date. Having gone very carefully into the whole matter, the Authority has made the following general allocations: Agriculture, £1,050,000; Water Supplies, £600,000; Roads, £700,000; Buildings, £2,200,000; and Miscellaneous, including Administration and General ~~and~~ all the others, £110,000; making a total of £4,650,000. Within these general allocations and trying to fit in those schemes which are most urgently required, and in this matter naturally the Authority will be guided mainly by the advice of the members concerned in determining priorities.

I believe that that is the fairest allocation that can be made in the circumstances. Maybe some members, possibly not having a full knowledge of all the facts and factors concerned, will criticize this distribution on the grounds that insufficient emphasis is given to the so-called "productive services". I am very much alive to this criticism and there is a great deal in it with which I would agree, but I would point out, as my hon. friend the Financial Secretary pointed out in connexion with the Colony's estimates, that the Development and Reconstruction Authority has not as much discretion in the matter as it would like, and that the Development and Reconstruction Authority expenditure, like that of the Colony, is dictated by policy. For instance, the Council is well aware of the pressure that is being put upon the Development and Reconstruction Authority to devote more money to police buildings, more money to hospitals, and of course a very large portion of the building vote is devoted to European and Indian education. I would re-

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mind hon. members again of the compulsory educational provisions, and of the fact that as long as those are in force I have no alternative but to try and provide the accommodation that is required. So far no one has suggested that those provisions should be repealed.

Secondly, as I have already pointed out, Kenya has in the past done very little in the way of capital development, and in the matter of buildings especially we have built up a very large arrears of work which has now to be carried out. As soon as those arrears have been caught up, then I hope that a much smaller programme of building can be carried out every year, so that we do not pile up an arrears like that again.

Thirdly, we should not forget that a very great deal of the expenditure on buildings is in order to provide accommodation for officers engaged on the "productive services", and that not the least of the pressure to increase the amount for buildings has come from those connected with agriculture, and that our schemes have included things like the Jacaranda Coffee Research Station, its laboratories and office accommodation. Nevertheless, I do agree with the criticisms, and I hope that when possible we shall be able to concentrate more on other productive services.

At the moment, sir, I would merely point out with regard to our buildings head, that the proof of the pudding is in the eating. Last year when I introduced these estimates I invited hon. members to point to any items which could be excluded, and although no one accepted that particular invitation there were some who might be regarded as "gate-crashers", who did point out to me omissions, but unfortunately the trouble was that they were not omissions which could be made, but omissions which, in the opinion of the critics, had been made and ought to be rectified.

While on the subject of buildings, I would just like to say a brief word about the criticisms that our buildings have been over elaborate and costly.

I would be the first to agree that they have been costly, because unfortunately building at the moment is very costly, but the Development and Reconstruction Authority building has not been more

costly than any other. On the contrary, in many cases it has been much cheaper, and I know that hon. members will agree that the Development and Reconstruction Authority has done much towards evolving cheaper methods of construction. The last two buildings which we have carried out—or, rather, which we finished—were the new Jacaranda Research Station and the provincial offices at Nakuru. When I was at the opening at Jacaranda those buildings were described to me by one who was present as "simple but effective, without any frills, admirably suited to their purpose"; and the second was described in the *Kenya Weekly News* (which I do not think could be accused of being particularly partial to Government), as follows:—"Impressive in their clean and practical simplicity, a simplicity which we find refreshing, as Government offices are so often over lavish at the expense of the taxpayer. This building is in no way extravagant, but is a much needed and attractive addition to Nakuru, both from the practical and architectural point of view."

There is little more for me to say on the subject of the Development and Reconstruction Authority estimates; because I have already taken up more time than I think many members will think that I should have done—(MEMBERS: No, no)—but my hon. friend the Member for Agriculture will introduce the agricultural heads and will assist me in giving any explanations that are required. I would merely point out that Head 4 provides for the continuation of the soil conservation scheme in both European and African areas. It provides for the Matuga Research Station at the coast, which I think is much needed, and the continued operation of the two dam-making units. Under Forests, provision is made for the continuation of the approved development programme. Under African settlement, again we continue many schemes, and we have included new ones. In particular there is the very important coast hinterland development scheme, which I think is one of the most important that we have undertaken to date, and also the settlement of the Lambwe Valley. I have already referred to buildings. Roads continue to give us a great deal of anxiety not only on account of the very great need for more roads, and particularly for roads of a

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higher specification, but because of the very great cost of providing them.

Now, as Council is aware, we have already provided for the reorganization of the roads division of the Public Works Department in order to provide a team capable of constructing, and, what is of the greatest importance, planning the construction of roads, in accordance with modern methods suited to our conditions. While this reorganization is taking place and whilst we are planning the next stage of the road construction programme, 1950 should be regarded as a period of marking time, and we are only providing for the continuation of schemes which we have already undertaken or to which we are already committed. I entirely agree with what hon. members have said about the need for proper planning for our roads, and one of the lessons which we have learnt in the past and which is now crystal clear is that we should not under any circumstances undertake new road construction until not only are we satisfied that we have got the roads properly planned but that we have the resources to undertake it.

In presenting these estimates I cannot, of course, pretend that I expect them to please everybody. The remarks already made in the Council have shown the very wide divergence of opinion both as to whether we are going too fast or as to whether we are going too slow; as to whether we are doing too little or as to whether we are doing too much. But I do suggest that members will agree that an expenditure of about £4,500,000 for this year is about the correct figure, and that there is little, if anything, that we have included in these estimates that could be left out or postponed until a later date. I have little doubt that there will be many items which hon. members consider have been omitted and ought to be included, and to them all I can do is to remind them of Burke's advice: "Our patience will achieve more than our force."

THE CHAIRMAN: Although the motion is restricted in terms to items 1 and 2, I take it is understood that the debate can be general.

MR. NATHOO: Mr. Chairman, I think everyone in this Council will agree that the hon. member has presented the estimates in a most lucid and explanatory

manner, and on that I think I have nothing but praise and congratulations for him. (Hear, hear.)

I would first of all take up the statement of the hon. member when he says that the Development and Reconstruction Authority expenditure is to be considered as being spread over the whole planning period of ten years, and that each year's expenditure is an instalment. As far as that statement goes I have no quarrel with it, but in considering this annual expenditure we cannot lose sight of the fact that factors may arise during the course of the years which may seriously alter the complete structure of the original plan, and when such factors do appear it is but right that all sections of the community should sacrifice the schemes they have so long cherished and have been promised, in fair and just proportion.

I am going to confine myself particularly to two aspects of the Development and Reconstruction Authority planning report and the estimates which have been presented to us. They are medical and educational.

I entirely agree with the hon. member when he says that so long as the Compulsory Education Ordinance is on the statute book of the Colony there is a very wide obligation on Government to provide educational facilities for the various people, but I would like to make it quite clear that as far as the Asian community is concerned that Ordinance is only observed in its theory. Due to lack of proper buildings in Nairobi itself, and to a certain extent in Mombasa, all primary education in Government schools is given to children on alternate days. Right up to the primary standard each student goes to school only on alternate days. I would ask Government whether that is really the spirit and object behind the passing of that compulsory Education Ordinance.

We know that in the last few years, due to circumstances beyond the control of this Government or due to circumstances beyond the control of anyone, circumstances have arisen in this country whereby it has not been possible to provide all the buildings and all the schemes to be carried out. But during the past few years we have felt that educational buildings as provided by the Government have not been done in a just and fair

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proportion as far as all communities are concerned, with the result that the community I represent has been rather left behind as far as the building schemes have been concerned, and now that circumstances are arising whereby expenditure has been curtailed I think Government ought to take into consideration that due to factors of planning, due to factors of shortage of material and men, schemes may have to be curtailed or scaled down. This lack of facilities which has existed in the past as between communities must not be lost sight of, and due regard should be paid in this respect.

Sir, we have been given to understand that a substantial reduction is proposed even in the estimates which have been proposed under the development scheme for this year. If my information is correct, until and unless we are in possession of the detailed figures for each and every scheme, until and unless we are in possession of the original amount which was proposed for each community, the works so far carried out, any alterations or additions to those schemes, the balance of work to be done, and the proposed reductions in those individual items are presented to us, we cannot possibly form any particular opinion as to the justification for these, and for that reason, I would beg of the hon. Member for Development to make known to us in this Council, before the actual estimates are considered, the whole picture of these reductions, so we may be able to form a correct and just opinion as to whether these reductions proposed by the Planning Committee are just and fair.

The hon. member has said that responsibility must lie with the Planning Committee. I do agree to that, but I would have him recollect that in the Planning Committee the voice of my community has been as a voice in the wilderness, and right from the day this development scheme has come into force we have had a standing grievance in this matter. I must make it quite clear that, if we find that after we have been provided with all figures and facts as to the reductions which are being proposed, after we have put up our case, if we cannot get a satisfactory result from any decision on this matter, my community, who are already in dire need as far as their buildings are concerned for the

children, will be absolutely reduced to the last stage of desperation and dis-appointment. In this respect I would at this stage beg of Government that at the very first opportunity arising out of these things, the educational wants of all communities should be considered, so the country and people can know what the aims and objects of Government are.

I beg to support.

MR. COOKE: Mr. Chairman, I will not attempt to follow the hon. mover in any complicated figures, because I realize that I would not be his match if I met him on that particular battleground and, at any rate, as he himself said, the figures he presented must be taken with caution. But I am going to be critical of the whole Development and Reconstruction Authority set up, and probably repeat to a certain extent what I said two years ago. I want the hon. Chief Secretary to understand that any criticisms I draw are not personal to himself, because, if I may say so, the hon. gentleman has carried out two most important projects in this country under the Development and Reconstruction Authority scheme, and he deserves the highest praise for it. (Hear, hear.) I am referring to the decision which he had to a great extent to make to get a move on regarding the *plid* houses for European officials, and also his determination, and very wise determination to get the Duke of York school built in almost record time, so I do give him his mead of praise in that respect.

But where I criticize my hon. friend I am criticizing the whole Development and Reconstruction Authority set up. I said it two years ago in the presence of the other two gentlemen so that I am not saying it behind their backs. I was one who welcomed the other two members of the Development and Reconstruction Authority, and I reminded them at that time that I had (and may the good Lord forgive me!) described them as "go-getters". But I realized that the years are going and we had got nothing. Therefore a lot of my criticism must be directed towards the other two members of the Development and Reconstruction Authority. They had explicit instructions laid down—I draw attention to page 3 of the Development Committee report. I voted for that report on account of what I considered the extraordinarily good

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terms of reference which are laid down on page 3. They are terms of reference which would appeal to the inhabitants of the United States of America, who are themselves go-getters and believe in immediacy, but I believe there has been very little immediacy in carrying out the Development and Reconstruction Authority projects.

That is one of my greatest chagrins against the carriers out of these projects. The British Cabinet at home, notably Sir Stafford Cripps, has emphasized time and time again the need to get a move on; here is what Sir Stafford Cripps said a couple of years ago: "The whole future of our sterling reserves depends on a quick and extensive development of our African resources." The development here has been neither quick nor extensive, and that is the gravamen of my charge against my hon. friend and his two colleagues.

I do not know what this Authority set-up has done. I envisaged it as three determined men meeting at least once a month coming to decisions, and keeping minutes about those decisions. They may have kept minutes, but I have not seen them, and if they have kept them I hope the hon. Chief Secretary will produce them to the Standing Finance Committee or Executive-Council. I should like the hon. member, when replying, to tell me how many meetings of the Authority were held last year, and how many members attended those meetings. I should like also to know if these minutes were kept and if the minutes are accessible. I understand from conversations I have had with people from Northern Rhodesia during the last few days that in that country very regular meetings of their Development and Reconstruction Authority are held and minutes are kept.

If anyone looks at page 3 of the report, he will find that the duties of the Development and Reconstruction Authority, its powers and duties, are explicitly laid down. When I gave my vote in support of this development scheme, I gave it on the understanding that the Development and Reconstruction Authority would be impelled by its terms of reference. If those terms of reference have not been carried out—I do not want to use a harsh term, but I will use it—then my consent was obtained under

false pretences, because I gave my consent and firm support, as did other members, on the condition that this was going to be the Development and Reconstruction Authority set-up. I do not think it has been. There has been a great lack of drive, a great lack of immediacy, as the Americans say.

I do not quarrel for one moment with the Planning Committee. I personally am not one of those who question the means by which the Authority is carrying out its work. It is the same position that I have taken up with the Central Assembly. I think the Planning Committee has got to be trusted. I therefore do not question their allocation of funds, but what I say is that the Planning Committee should have been set up long before it was, and the hon. Chief Secretary should have come to this Council and told us in the sternest manner that his capital was inadequate and must be increased. I have got no fears for the future of this country, I am an optimist as far as that is concerned, but I think that the Development and Reconstruction Authority is completely under-capitalized. The £15,000,000 I think have been fairly and squarely allotted, but the schemes are totally inadequately financed to carry them out. In Uganda, the original estimate for the Development and Reconstruction Authority capital expenditure (it is difficult to speak in precise terms) I think has been nearly doubled, and in Rhodesia it has been greatly increased; in Tanganyika I think they have increased it, but in Kenya there has been no increase. I know that there had to be borrowing from surplus balances, and I think my hon. friend, the leader of this Council, should have come in the most determined manner to Council and said that he could not carry on efficiently unless he got more money.

That is one of my criticisms of the Authority. Indeed, when the British Cabinet says they believe the whole future of their sterling reserves and every member of the Cabinet emphasizes time after time the urgency of the matter and we do nothing, it is in effect as though we said to Sir Stafford Cripps: "We regard you merely at a nitwit. We do not take the slightest notice of what you say about the development of our sterling resources." I cannot agree, and do not think my hon. friend thinks so; he is

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only voicing the opinions of others, that to spend £3,000,000 or £4,000,000 will in any way put up the cost of living. How can the addition of £3,000,000 or £4,000,000, a great deal of which is actually spent in England on capital works, affect adversely a country whose national income this year will probably be £70,000,000? It could not affect a country whose capital investments last year were something like £13,000,000 from abroad. That is all political and economic poppycock, and I hope the hon. Chief Secretary will not be deterred by any such reflection, for it is unwise not to spend money when the soil is deteriorating, when the hon. Member for Agriculture cannot get the sums of money he asks for. It may be said there may be a recession, a slump. There may not be one. Meantime, are we going to allow money to lie idle when we know that the only resources the country has, land and water, are to depreciate? I think it is taking a very narrow view of the great potentialities of this country.

Mr. Chairman, I may be a little more than ten minutes, if I may?

THE CHAIRMAN: I put the question: Is the hon. member to have more than ten minutes? Those of that opinion say "Aye", on the contrary "No". (Laughter.) I think the "Ayes" have it.

MR. COOKE: Members may say that I have put up a lot of destructive criticism, and have not got anything constructive to say. I hope I have.

First of all, I am going to propose, and it has been proposed many times before, that there should be an internal loan raised in this country. The value of such a loan is that the transfer of purchasing power, if I may speak in the jargon of the economists, is an internal transfer, and that money is not spent abroad. It does not affect our national income because it is all spent locally, or most of it. In order to attract a loan like that I submit that the interest should be higher than that prevailing normally to-day. For instance, supposing, and this is only supposition, we decide to float a loan of £5,000,000 and pay interest of 4 per cent instead of 3½ per cent, that extra half per cent, if my mathematics are correct, would cost us £25,000 a year more in interest. What is that £25,000 in

comparison with the fact that this will be an internal transfer of income and that that money is not going out of this country? It is simply a flea bite. People may say it is all very fine, and I know the objections.

First, where is the money. Well, I was speaking to a gentleman the other day in a position to know about our investments, and it was his considered opinion that in the Post Office Savings Bank at the moment were at least £4,000,000 on deposit just waiting for an attractive investment. I submit that perhaps that £4,000,000 would be a good nucleus with which to build up a £5,000,000 loan. Others see great difficulty about negotiability, that people would take up these shares and could not get rid of them. That is an argument, but I think most people realize that the banks to-day do a good deal of share transfers, and they to a certain extent take the place of the Stock Exchange at home. At any rate difficulties, as Mr. Churchill and others have said, are made to be overcome, and we should not be debarred by what are really minor difficulties. The effects of our loss of 25 years ago have been tremendous on the economy of this country. We have had 5 per cent and 6 per cent loans, and speaking roughly the £5,000,000 borrowed by this country in the early twenties cost between £13,000,000 and £14,000,000 before they were repaid in interest and sinking fund, and most of that has gone out of this country to the British taxpayer, not that I begrudge him, for he has done such magnificent work, any money he obtains, but we must look after ourselves.

Therefore I ask that consideration should be given to that particular aspect. I am not one of those, like my hon. friend the Member for Nairobi North, who believes in a tax equalization fund, and that we should put aside vast sums of money in anticipation—it always is anticipation—of some kind of slump or some kind of recession. Of course, if everybody held a view like that there would be no progress at all in this country. I was speaking this morning to one of the senior members of Barclays Bank and he gave me a cordial invitation to inspect his buildings. If Barclays were of the opinion that there might be a slump round the corner they would not

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he is spending the hundreds of thousands of pounds they are on this magnificent building; nor would the other gentlemen who are putting up the many magnificent buildings which are going up all over Nairobi. I feel that if private enterprise can show that courage and confidence in Kenya, it is all the more necessary for the Government of this country to set an example. I know, and I am sorry to say so, that a few hon. gentlemen on my side of Council are very cautious where money is concerned. A great many people here were hit by the slump of 1930 and they have, if I may use the term, almost a pathological fear to-day of other slumps. That was not the spirit which inspired Cecil Rhodes and other great builders of Rhodesia, and our other great possessions, 50 and 100 years ago. Unless we, as a young country, are prepared to take risks I think there is no real future for this country.

Therefore I should not only like to see a loan of this nature raised, but I should like to see our budgeting for a bigger surplus and paying into the Development and Reconstruction Authority funds—we are paying in something like £300,000 a year—at least £500,000 a year. I know that one is criticized and attacked by the Taxpayers League and other pressure groups in this country when one makes such a suggestion, but I am afraid I have no fear of pressure groups or the Taxpayers League, or anybody else, and I think we should go ahead and if we think it is right we ought to press for this expenditure. Money makes money. Therefore I am very much in favour of increasing our contribution to the Development and Reconstruction Authority by at least £200,000 to make it £500,000, instead of £300,000.

I also believe that we should make use of our surplus balances. Northern Rhodesia has recently made use of £6-million for her development and reconstruction work from surplus balances, and it is my information that Canada, and the important "kingdom" of Ulster, are also doing the like (and no one can say that the Ulsterman is not cautious!) So we have some pretty good examples to follow.

I have nothing more to say except to reiterate that, in my opinion, in a young country we have got to take risks, we

have got to be bold and very courageous if we are not, the other countries will go ahead of us. If we do not build good roads the tourists will not come here and we will not get any American dollars. We must provide education—and there I agree with my hon. friend that it is indirectly productive. But first things must come first, and what we should provide for first is what we think is really of direct benefit to the country.

I said I was going to sit down, but one thing I should like to draw attention to. That is the waste of money, and I defy any one gentleman on the other side—if they think I am talking poppycock they can have an inquiry into it—to deny this. There has been money sadly wasted on the Dagoretti-Kikuyu Escarpment road; there has been money thrown down the drain on Limuru A Route; there has been a great waste of money on the Mackinnon Road to Mombasa road—in fact, we have been asked recently to increase the vote for that road by over £100,000—and if we are not careful a good deal of money will go down the drain on the Kiambu road. So I am going to suggest that there should be a complete reconstruction of the Authority.

The hon. member told us this morning that Sir Reginald Robins had resigned. Of course, Sir Reginald has been a very tired man for many years, and he has had much railway work on his shoulders too. Sir Alfred Vincent is another, he spends a good deal of time outside the country and has a great many burdens of other kinds to bear. Therefore I suggest that the whole Development Authority should be reconstructed, under the chairmanship of my hon. friend who has done such valiant work for the Authority. But he cannot bear it all on his shoulders however capable he may be. And the Development Authority should carry out these instructions, because that is what they are, contained on page 3 of the Development Committee Report, and they should, rather than cut down expenditure, increase productive expenditure so as to make this country what it will be one day—if it is not now—our greatest possession in tropical Africa.

MR. ERSKINE: Mr. Chairman, I have spoken once before in this debate on the subject of the Development and Reconstruction Authority, and how I was able

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to do it without being out of order escapes me at the moment, but I have quite a bit more to say. Without any rancour and very sincerely indeed, I oppose the motion which I believe to be now before the Committee. I must do so for conscientious reasons, believing as I do that this whole activity of the Development and Reconstruction Authority should be liquidated.

I will take as my text for what I have to say seven words I wrote down from the very admirable speech by my hon. friend the Chief Secretary—and I particularly designate him so. He said in particular, "The Development and Reconstruction Authority expenditure, like that of the Colony. . . . I will not quote any more because that just explains exactly what I mean. He indicated that the Development and Reconstruction Authority expenditure was separate from that of the Colony, thereby meaning that it was not the same as the expenditure of the Colony. I believe that the Development and Reconstruction Authority expenditure is just a part of the ordinary expenditure of the Colony.

We have been taught to use two words in thinking of the State's expenditure—recurrent and non-recurrent—and so in reality this Development and Reconstruction Authority budget is merely the non-recurrent items in the country's ordinary expenditure. Even the word "non-recurrent", although it is the correct word, is in itself a little misleading because, although you would say that the building of so many miles of road on Limuru A Route is non-recurrent, since that particular road will not need to be built again, yet a similar stretch of road further on may have to be built next year. It worries me very much indeed to see the hon. Chief Secretary going in what I consider to be the wrong direction, because I believe that it will involve the retracing of steps, and that is a sad and difficult process.

I was discussing the question of my country with someone from another similar country only a short time ago, and swanking as one does when discussing one's own country. He had already said that his country's budget was £10-million, and I said that ours was £15-million—and of course it is £15-million. When it

was published about some weeks ago that the budget of Kenya was £10-million, people threw up their hands in horror. I do not mind if these people throw up their hands a little bit higher in horror; it makes no difference.

The reason for the initiation of the Development and Reconstruction Authority was really a psychological reason; not a practical or orthodox reason. I remember many years before the war talking to the private members of the Legislative Council of those days. Sometimes they complained that they did not like, shall we say, the Public Works Department estimates because they contained a whole lot of non-recurrent expenditure. Where they wanted to put this non-recurrent expenditure they did not confide in me, but of course the place for recurrent and non-recurrent expenditure is in the same budget. Whether you place a symbol from the Greek alphabet against it, or an asterisk, is a matter for the financial pundits, but all I know is that it is ordinary state expenditure and should be regarded as such.

I believe that we are misleading the people. I was reading a letter, one of several that I have seen in the Press recently, where somebody said, talking about the Development and Reconstruction Authority expenditure, that more should be devoted to one thing and less to another because, of course, this is a gift from the British taxpayer. Of course it is nothing of the kind. If one turns to the list of moneys which we eventually expect to raise for the Development and Reconstruction Authority, we find there are items taken from past revenue and present revenue, and we find a Colonial Development and Welfare Vote which rightly accrues to this Colony. It is part of our revenue received in a lump sum or over a period.

I believe not only that we should now amalgamate our budget in one volume, so that the country will know what the expenditure is each year, and what it is likely to be each year, but that the Development and Reconstruction Authority should be abolished altogether. I have tried to focus in my own mind, in a very few words, the Authority's function. I think it is, stated very briefly, firstly the expenditure of all sums

[Mr. Erskine] allocated for development and reconstruction, and secondly the co-ordinating of the execution of the various works. I think those two sentences cover the whole of the Authority's function. The expending of money in itself presents no very grave problems. Apart from that, we have, in this country Government officers who are fully capable of spending the money! (Laughter.) In fact, they do spend the moneys from one budget, and they could very easily, without any very great extra cerebral activity, spend the money from the other budget.

Then, sir, the question of co-ordinating the execution of plans. I admit that those probably were my words, but I think that those words or very similar ones do appear in the various Development and Reconstruction Authority reports, but they are just merely words and they do not mean a very great deal. But to co-ordinate the execution of the Limuru A route plan with the experimental fish farm at Kericho does not really make sense. It is not really important. (Laughter.) I am suggesting that one of the principal jobs of the Development and Reconstruction Authority is progress. I am suggesting to the Government that the spending of money is a job which could be done by the ordinary officers of Government. All we need to know in regard to capital or non-recurrent expenditure, all that the Financial Secretary, the Member for Finance needs to know, is what money is available, then it is necessary to tabulate a list of the various development projects required by the country as a whole. Thirdly, and most important, it is necessary to decide which of those items are most important.

The first, that is to know what money is available and where it is coming from and so on, that is the job of the hon. Member for Finance. In point of fact, certain things which the hon. Chief Secretary said in his opening speech rather led me to believe the hon. Member for Finance has already taken a hand, very rightly, in that job of ascertaining what money is available. Then the second job, to tabulate a list of development projects. I have a note down against that. There are very many able section officers in the Secretariat who could do that on their heads. Now the third job, which is to decide which are the most important

jobs to be done and the order in which they are to be tabled. That I do admit might be a job not for a planning committee—the plans are there on a table in front of them, far more than they can possibly cope with—but a priority committee. That leaves nothing left of the Development and Reconstruction Authority but a priority committee which for some years to come may be necessary because, as the hon. Chief Secretary has said, we have rather got out of the way of spending on capital projects because we have never done so in the past.

Sir, I am very sorry that at the beginning of my speech I did not ask for more than ten minutes. I most certainly should have done so, because at that time I was not aware of how hon. members would be feeling at the end of my first ten minutes. Sir, do you think it might be possible for me to have another five minutes, provided that is the wish of this Committee?

THE CHAIRMAN: The hon. member will realize if he does so the opportunity may be debarré to someone else who will claim it on rising, but it is entirely a matter for the Committee. If the Committee agrees that the hon. member should extend his time—

MR. VASEY: On a point of order, if I might I would point out that if the precedent arises whereby any member finding that he is speaking longer than he intended, is going to ask the Committee to extend his time, the principle on which only four people are allowed that privilege (I think I am correct in saying it was intended that each member of each individual organization on this side should be able to exercise that right) would disappear. The hon. member has ample opportunity to speak and complete his point again and again in this Committee.

THE CHAIRMAN: I do not think I will put it to the Committee. I shall not put the question. The hon. member will have the opportunity to speak again. The rule is:—The Chairman may, in respect of any Vote or Head of the main estimates of expenditure, permit four speeches, by unofficial members, not exceeding thirty minutes each, provided that such speeches are relevant to the particular Vote or Head before the Committee. Such permission shall not be granted unless the

[The Chairman] member desiring to avail himself of such period states his intention of so doing on rising to address the Chair, or unless the member subsequently obtains the unanimous consent of the committee." I do not think the consent was unanimous.

MR. BLUNDELL: Mr. Chairman, in rising to speak to this Head I want to confine myself mainly to the financial aspects of the Development and Reconstruction Authority, not so much as a critic but in order to give certain ideas to the Council for the future and, with a certain amount of timidity, to the hon. Member for Finance opposite.

First, I would like to start by paying a tribute to the hon. Chief Secretary for the work he has put into the Development and Reconstruction Authority. I think perhaps hon. members on this side, however much they may criticize where he has allocated the money, or how much he has allocated, do not always realize the great amount which he has had to carry apart altogether from the normal functions which he exercises as leader of this Council and Chief Secretary. (Hear, hear.)

In D.A.R.A. I think what we have to get a grip on is the "D" and "R", represented by Development and Reconstruction. It is the development side of the Development and Reconstruction Authority that is important, and that is the side which is ultimately going to increase the revenue and the whole financial stability of the Colony. Unfortunately, because we are a growing community, the great majority of our money is going on "R", or Reconstruction. By that I really mean I would have preferred to remove the "R" and call it "construction"—buildings for hospitals, for schools, roads which have been washed away, bridges which should have been put up years ago. None of those items are anything more than the normal growth of the community, requiring larger clothing as time goes by, and that is not on the whole a great contributor to the wealth of the Colony. It just follows that we have got to look and see whether the proposals before us under the "D" Development head are sufficient. Owing to the fact we are a growing community, what I would call the normal

growth is absorbing far too much of our cash. It has to be.

That brings me to an analysis of whether we should accept the figure of £20-million put forward as our loanable capacity and the suggestion that the Development and Reconstruction Authority can be financed on £28-million or £24-million. We should examine that and see whether we can accept it. In my view, I think it is time now that we should start stressing that we cannot. I would like to know from the hon. Member for Finance what is the real basis upon which that £20-million is assessed. If it is the revenue capacity of the Colony, then it is a largely and entirely phoney basis. I should say that our loanable capacity should be far more governed by the capacity for development inherent in the normal resources of the country. If you do not agree with me, it seems to me that if you cut down the whole of the revenue it would automatically—by some tremendous sum of cheeseparating you would automatically reduce the capacity of the country to borrow money, but in effect really the country's loanable capacity must be not in the amount of its citizens' desire to fork out money for revenue but in the inherent wealth and possibilities of the country. I should like the hon. member opposite from the Government side to explain rather more fully to us the basis upon which that £20-million was assessed.

Again I want to query, only to provoke ideas, this tendency to assume there is automatically a slump and a lowering of costs ahead. I also want to question the belief that we can control inflation in this country. We can control inflation up to a point by reducing the amount which the Development and Reconstruction Authority pumps into the body politic in so far as it affects labour—probably labour and wages. There is not very much more we can control. Why I suggest that a recession of the violence we experienced in 1930 is unlikely is that we live in an age of what is called the common man, and the common man is really dominating two of the great democracies of the world, the United States of America and the United Kingdom, and I cannot help suspecting that rather than accept the implications of severe unemployment the peoples of those

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democracies will accept the implications of a progressive and controllable inflation which, by pumping money in with progressive depreciation in its value, will stimulate purchasing power the whole time. I think that is a likely analysis of what will happen in the future. There will be slight reductions as the machine of disinflation is brought into being to check inflation if it gets out of control, but apart from that I am doubtful myself whether we shall ever see the tremendous slump that we saw in 1930.

If that is right, then I suggest that we should immediately start to plan now and put the idea across that we must have more money for the development of this country, otherwise we are going to be completely and financially hamstrung by the fact that the greater amount of our capital has gone into construction only, which is largely non-productive finance. People do say that education helps the general development of the Colony. Well, it does, but I should like to point out that when you educate young people very often they merely take the places of those who are dying. As the community is a living organism and its younger people come in and become tax earners and developers of the country's wealth, at the same time there is a proportion of people who are falling out from the same process, so that it is not right in considering, for instance, education to assume that it is automatically wealth producing. (Mr. COOKE: Indirectly.) It is indirectly productive—I agree with the hon. member, strangely enough.

I feel we must guard against this.

We are rather like a man who has built up capital equipment with which to develop his business, his factory, his floor space, his machines; and then finds himself without capital to buy the material to put those machines into productive energy. It is like a man who has the land and places the buildings upon the land and then has no capital whatsoever to expend in the actual development of the land. That is why I say quite frankly that the thing we have most against the Development and Reconstruction Authority is the fact that a large proportion of our money is going into the construction side and not enough into development. I have analysed the

Development and Reconstruction Authority proposals very carefully. Most of the construction side is inescapable, and that leads me to the belief that the only way of getting out of the dilemma in which we are likely to find ourselves is by taking the course that the hon. Member for the Coast put forward—that of raising and putting into circulation over a reasonable period of time more money than the figures we are now contemplating.

To take up one point the hon. mover made when he was moving these items. He referred last year, I think, to the fact that hon. members on this side had not excluded any items. I would like to make it clear to him that I do not intend in these Development and Reconstruction Authority estimates to deal in detail. That is impossible, in my opinion, because most of the items are inescapable and it is largely a question of whether it is a right moment to have them or some other item, that is all, and my case is reinforced by the fact that if you look at the original estimates you will see that something like £3-million was placed to buildings, and now he proposes something like £2,200,000. It appears to me obvious, therefore, that when the details of the buildings come before us there is no object in moving the deletion of any item, because the hon. member himself has already chopped off £800,000 worth of buildings. I would make that point clear, because I should not like this time next year for him once more to rise and point out we have not made an exclusion.

I said I was speaking on the financial side, and why I do so is this. Right through this budget I have consistently tried to reduce the recurrent expenditure. If you encourage the recurrent expenditure to provide frills and items you indulge in because there is a buoyant revenue, you are automatically cutting down the policy of financing further loans in the future for the much more necessary job of augmenting the "D" in the Development and Reconstruction programme.

The floating of something like another £10-million would, I think, involve us probably in recurrent expenditure for the servicing of the loans of the order of something like £400,000 or £500,000, and it is for that reason that I think it so

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essential to keep a severe check on recurrent expenditure. Hon. members must remember that the country is already reaping in recurrent expenditure the effects of the Development and Reconstruction Authority. Therefore, it is all the more necessary as the years go by to keep a severe check upon the frills and luxuries which we may indulge in because the revenue itself is buoyant.

With those words I beg to support the motion.

Mr. ERSKINE: May I just ask a question, quite briefly? Will the hon. Member for Development when he is replying say exactly how he and the rest of the members of the Authority have been able to estimate what will be the requirements of this so-called capital expenditure during the ten-year period? Is he aware, and are the other hon. members of this Committee, aware that the origin—

Mr. BLUNDELL: On a point of order, is this the hon. member's second ten minute spell?

THE CHAIRMAN: In Committee members may speak as often as they wish. (Laughter.)

Mr. COOKE: On a point of order, may I make another speech, sir?

THE CHAIRMAN: Of course you may.

Mr. ERSKINE: I am bringing forward a new question. Are hon. members of this Committee aware of what was the origin of the term "five-year plan" and "ten-year plan"? We cannot have a five-year plan or a ten-year plan of expenditure, of State expenditure, unless you have first of all done away with private enterprise altogether. It is absolutely impossible for the State to say: "We will spend £x on developing these roads, those hospitals, these fish research stations" unless they know what private enterprise intends to do during those ten years. It is possible that I, or some friend of mine, may discover oil at Moyale, or set up enormous industrial works at Marsabit. That would completely throw out the Development and Reconstruction Authority programme.

The hon. Member for Finance, I feel—in fact all hon. Members for Finance all over the world will, I feel sure, in their heart of hearts—agree with me

when I say that for a country to budget further ahead than one year is impossible. You can have hopes. You can hope that revenue will accrue evenly and that expenditure will proceed evenly; you can hope that for the next ten years Kenya's budget will be in the region of £14-million or £15-million, and that therefore there will be no need to curtail production, but you cannot guarantee it in advance.

I am going to end with a plea that hon. members will think very carefully of my idea that the Development and Reconstruction Authority should now be abolished entirely, that nothing should be left but a priority committee, and that the heads of departments, and the hon. Chief Secretary in his capacity as Chief Secretary, and the hon. Member for Finance, should look after and control and co-ordinate, if such is needed, the expenditure in the ordinary way; just as they do in the ordinary non-recurrent expenditure of this Colony.

Sir, I have taken a great deal of trouble to find out all about a capital budget. I have searched through the textbooks that I have kept since my school days—(laughter)—and I can find no reference to a capital budget anywhere. The phrase is the signet of the imagination of certain people in this country, and I believe that we should cut it out altogether from our vocabulary.

THE CHAIRMAN: The hon. Member for the Coast has taken me rather by surprise. This amendment which we are working under was an amendment of the original rule (6) of Order 43. Under the original rule the member was entitled to speak twice in committee. That rule is completely suspended and we are now governed by the following. It is in very small print and escaped my eye: "No member shall speak more than once on any proposition before the Council, except in explanation, or to a point of order, or in exercise of the right of reply." I take it therefore that, as this rule is suspended for budget debates, Council will include Committee, and one can only speak once on every proposition. I lay that down for the future.

Mr. HOPE-JONES: Mr. Chairman, just on one point in reply to the hon. and iconoclastic Member for Nairobi South. He said he had never heard of a capital

[Mr. Hope-Jones] budget anywhere else. I would merely refer him to the economic survey published in Great Britain for either January and February, and he will find that there is a capital budget. I would further refer him to the budget of the United States of America, the budget of the Dominion of Canada, the budget of three of the Australian states, and I think also the budget of France, under the Moneys plan.

MR. ERSKINE: Those are all items which should be abolished.

MR. VASEY: Mr. Chairman, I do not propose to follow the hon. Member for the Coast in stating all the arguments of the cautious finance people. I would merely content myself by saying that those people who try to be cautious will all support, I think, a bold and courageous policy. It is merely our desire to avoid those things which are foolhardy. I would also say on the question of the internal loan that, if it can be done, it would be a very good thing, but I would remind hon. members that one of the few failures in loan raising that has taken place in this Colony was the attempt to float a £600,000—not a £5-million—a £600,000 loan at a time when money was far more plentiful than it is to-day, on an internal basis without negotiability.

I have only one point I should like to ask the hon. Member for Development. In the memorandum, page 32, Head 6, headed "Loans to Local Authorities", it is stated: "In paragraph 14 of Volume I of the Development Committee Report, the Committee recommended that the Government should borrow a sum of £2-million for relending to local authorities. Provision of £100,000 has been inserted to meet anticipated applications from local authorities during 1950 in respect of water, housing and sewerage schemes". £100,000, sir. We have, I think, heard many times in this Council that it is the policy to devolve upon local government bodies as much as possible of the burden of responsibility of development of their localities and districts. I myself am aware from reading in the papers that, for instance, the Nakuru District Council or the Nakuru Municipal Board are thinking of a water scheme of some considerable magnitude

in order that development may go forward. We heard the hon. member Dr. Rana only a day or two ago in this Council speak about the great need for development in Mombasa.

I do hope that in the figures which I have heard the hon. Member for Development quote—in which I heard water supply £600,000, miscellaneous £100,000, which were indeed the only heads upon which I could see any possibility of local authority expenditure being allowed—that the policy of local government authority loans is being taken into full consideration. Unless we in this Colony can find some means of bringing down to the local district the local expenditure, we shall see a continually rising and a top-heavy central government budget. The local government authorities in this country, with the exception of the Nairobi Municipality, have not yet reached the stage where they can enter into the market on their own assets and on their own reputation and borrow money. So that some avenue will have to be found for these local government authorities to borrow the money with which they will carry out schemes that otherwise will be demanded to be carried out from the Central Government revenue.

I would just like the hon. member, if he can, to give me some assurance that full respect is going to be paid to that policy for local government loans, and that when the Planning Committee is considering the priorities of expenditure it will remember that the local government authority plans should be taken into full account, because in the long run that will, I think, be found from the point of view of the taxpayer the safest, best and cheapest method of carrying out a great deal of the work.

The debate was adjourned.

MR. RANKINE moved: That the Committee rise, report progress and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 10 a.m. on Tuesday, 24th January, 1950.

#### Tuesday, 24th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Tuesday, 24th January, 1950.

Mr. Speaker took the Chair at 10.05 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 20th January, 1950, were confirmed.

#### SELECT COMMITTEE APPOINTED

MR. RANKINE reported that the Sessional Committee had appointed the following members as the select committee on the African District Councils Bill: Hon. Member for Health and Local Government (Chairman); Hon. Chief Native Commissioner, Hon. Director of Agriculture, Messrs. Vasey, Hopkins, Pritam, Mathu and Jeremiah.

#### BILLS

##### FIRST READING

On the motion of Mr. O'Connor, seconded by Mr. Pike, the Electric Power (Amendment) Bill and the Essential Services (Arbitration) Bill were read a first time, and notice given that the subsequent stages would be taken during the present session.

#### COMMITTEE OF SUPPLY

##### DEVELOPMENT AND RECONSTRUCTION AUTHORITY ESTIMATES FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950 of the Development and Reconstruction Authority.

It had been proposed: That items 1 and 2 of Head 1, Administrative and General, be approved.

MR. HAVELOCK: As other hon. members do not seem to have given any indication that they wish to have half an hour under the rules, may I claim it, Mr. Chairman?

THE CHAIRMAN: Yes.

MR. HAVELOCK: I should like first to touch on the matter of the surplus balances brought up by the hon. Member for the Coast and their use for capital expenditure through the Develop-

ment and Reconstruction Authority. I believe that the attitude of individual members towards the use of surplus balances is probably very much conditioned by their individual experiences during the 1930-1931 depression period. I personally favour that we should keep the reserves and not spend that money on capital development for the time being, for the psychological reason that it does give some sense of security to the taxpayers of the country, and at the same time we have made the point before in this Council that any such balances should be used for short-term development.

One other big point is that I do believe that the reserves of this sort would have a good effect on the flotation of loans. I believe that any country which has a substantial reserve balance will be able to get better terms for loans floated than if they had no balance at all.

The constitution of the Development and Reconstruction Authority has been mentioned in this debate, and the hon. Member for the Coast has suggested an overhaul of membership. I think myself that the Development and Reconstruction Authority, the Authority itself, should necessarily keep a very much closer day-to-day check on the expenditure of money, allocated to them than it has up to now as far as I know. I wonder whether the duties, very onerous duties, which are put on the shoulders of the hon. Member for Development are not sufficiently heavy to justify that Member not having other very onerous duties as the hon. Member has at the moment. The duties of leadership of this Council are an extremely heavy responsibility, and are increasing every day, and possibly it might be considered by Government that some reorganization might take place in that direction.

The hon. Member for Nairobi South made, I thought, some extremely interesting comments on the financial aspect and set-up of the Development and Reconstruction Authority, and I have great sympathy with him to this extent, that it seems to me almost impossible for a real division of capital moneys and recurrent expenditure to be made. I did make this point in speaking to the general estimates, and I do believe that we are actually contributing at least another £200,000 a year from our re-

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current budget to capital expenditure in emoluments to people who are actually doing capital works. It is almost impossible to divide the two budgets to that extent. That, I believe, covers the suggestion of the hon. Member for the Coast that we should step up our contribution from £300,000 from the recurrent budget to the Development and Reconstruction Authority only to something in the region of £500,000. I submit that we are already probably spending something in the region of £500,000 on capital works from recurrent on Development and Reconstruction Authority objects.

On the other hand, I believe, and this is not in agreement with what the hon. Member for Nairobi South said, that there is great necessity for an Authority to keep watch on the expenditure of Development and Reconstruction Authority moneys and a day-to-day check to decide priorities, and decide and give decisions on different difficulties that must arise every day in these very large construction programmes, and also, if we are to embark on large construction programmes such as the construction of roads or buildings, I believe there is no doubt at all that we must have on behalf of the people who are doing the construction some assurance that they have sufficient money available to them to complete the programmes. That, I believe, is one of the most important reasons for the Development and Reconstruction Authority estimates being kept separate, so that, to extend the argument a little further, if we lay down a road programme we know we are going to be able to complete it and not stop it half-way through, which would be wasting a lot of time and money. For that reason alone I support entirely the present set-up.

The planning is a different aspect, and I believe that the Planning Committee has a very great responsibility towards the country and, of course, this Council, too, has a very great responsibility, because the plans will come to us, I presume, for our comments and support. I believe that a great step has been taken in laying down the principles that have been laid down by the Planning Committee, which are quoted in the last Development and Reconstruction Authority

quarterly report, the principles on which money should be made available for different schemes. I believe that these principles must be adhered to completely ruthlessly.

This brings me to the point made by the hon. member Mr. Nathoo when he complained that he thought his particular community had not had as much benefit from the Development and Reconstruction Authority as others. If we follow the principle laid down by the Planning Committee, that the first priority must be to spend on that which is going to be wealth producing (I am not quoting the exact words but that is the meaning), and of course subsequently revenue producing, then there is no racial, there can be no racial, implication in that at all. We must decide where the money is to be spent, not on whom it is to be spent and whether it is in this district or that and for that race or this, and then it must go ahead because it has been decided as one project that will bring wealth to the country more quickly than another. We must also, I believe, accept sacrifices from time to time, although it may seem unfair in that some get a more direct benefit than the rest to start with. But it is the long-term view that we must take, and we must therefore accept our sacrifices for the benefit of the community as a whole.

We were told by the hon. Chief Secretary as Member for Development that there have been severe cuts in the expenditure programme, and specially severe cuts in the building programme. I would like to know where those cuts have taken place, and which buildings are going to be delayed in construction or are going to be completely deleted from the programme. I have said before in this Council that as regards buildings, I believe myself that we must aim only at utility standards. There is still a great deal of perturbation as regards the extravagant standards, or some people seem to think there is, of the Authority in certain buildings in this country. The hon. Chief Secretary mentioned two buildings, and I believe that they are of the right utility standard: the research building at Jacaranda, and the provincial headquarters at Nakuru. But other building has taken place which I still believe, in spite of what I have

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heard in this Council, are too extravagant. (MR. RANKINE: Would the hon. member mention them?)

I was going on to mention one that has been mentioned very often, the Kenya Girls High School.

MR. RANKINE: Any others?

MR. HAVELOCK: I believe that the standard of the school that I am taking as an example is too high, and I also understand that a great deal of expenditure was necessary on levelling the site and preparing it for the school, and there again is a point which I think should be noted, that one has to be extremely careful in deciding exactly where to place a building of this sort not only as regards convenience but also as regards expenditure on the initial outlay necessary to prepare the site before the building can be put up. I also believe, and I think I am speaking almost for myself alone here, that as regards educational buildings we should go ahead with sufficient space for the pupils who require education by building a nucleus of boarding blocks if it is a boarding school, and central halls if it is either a boarding or a day school, a nucleus of those in a good stone standard and the remainder, I still believe, for the time being would suffice if we adopted a temporary or semi-temporary and cheaper structure. Classrooms especially, I believe, should be a very much cheaper structure than we are using at the moment.

There is another point I should like to raise on the matter of water. Looking through the Development and Reconstruction Authority estimates I am worried that so much money is going to be spent on township supplies, as against agricultural and countryside supplies. I realize that townships need water, and from the point of view of health it is necessary, but I still believe that the first priority in order to build up the wealth of this country should be for water supplies in the agricultural areas. I was speaking the other day to a man who has just come from the Sudan. Actually he is a man who is interested in large capital enterprises in Britain and has been in the Sudan. I was told that in the Sudan they have made use of private capital, private enterprise, to develop water supplies. I under-

stand that private companies have been given contracts to sink boreholes and make water points, and that they get the return on their capital from fees charged to the users of that water. I understand it is working extremely well. The scheme that was described to me was one covering agricultural, and even nomadic, areas in the Sudan, and of course it would be very much simpler if such a scheme were applied to the more static areas, such as townships.

I should be grateful if Government could make inquiries on these lines to see whether we could not make use of private capital in this direction, and thus save our own loan money for other development purposes. I do think there is a possibility that we may be able to do so.

As regards roads under the Development and Reconstruction Authority programme, I personally am still doubtful whether we are wise in building up a large-scale roads branch to construct the capital roads, and not to make more use of contractors. I have thought about this quite a lot, and I know there is worry in the countryside about this matter that we may be saddling ourselves with a large commitment in the future. But I am agreeable to the system at the moment as long as the departmental roads branch is used to construct the framework of roads in this country, which is so extremely necessary. We need a framework of good roads, or all-weather roads, so vitally that I would support the quickest possible way of achieving that, and I believe it is probably true that the quickest way of achieving it is by building up a departmental roads branch. But, on the other hand, I would suggest to Government that when we have built our framework, then we should consider going back to the contract system, and also by that time I hope the district councils will be in a position where they themselves will be able to take over contracts for the construction of main roads in their areas.

Another point as regards road construction which I have emphasized before and want to reiterate, is that planning is obviously extremely necessary, and that we have slipped up in the past through lack of planning, the actual planning of where the roads should be and what standards they should be. I again ask Government to speed up the



[Mr. Havelock] discussion, and possible adoption, of the Road Authority as fast as they possibly can, because I am quite certain that the set-up will be of great value in the planning of the roads to be built in this country. In fact, until we get that Authority I believe that we are not going to get a centralized and clear picture of what our needs are.

In conclusion, I would appeal for the removal, if possible—and it is very difficult—of the parochial and racial jealousies that do seem to surround the expenditure of money in this country, and especially the expenditure of capital moneys; so that we can spend the money we have available (which is not nearly as much as we would like to see) on the particular projects which will produce wealth in the country in the shortest possible time. (MR. COOKE: What about A Route? That, surely, is the first priority?) The hon. member has once again mentioned A Route. I think I will probably have it printed on my heart! But he has already heard me speak on that, so there is no need for me to repeat it.

The point, once again, if I may say so, is utility standards and productive expenditure, no matter what other difficulties may be in our way. We must be big enough to brush away difficulties and concentrate on those two aspects.

I beg to support.

MR. PATEL: Mr. Chairman, I am not going to repeat what hon. members who have preceded me have said. I should like only to support in general terms that we must plan for greater expenditure for productive and social services, and I strongly support the last speaker in regard to building for essential purposes without very heavy expenditure. While doing so, I am going to confine my remarks this morning to certain matters concerning buildings pertaining to social services. When I offer any criticism of the Authority I should like to mention that I do not in any manner say that good work has not been done so far by the Development and Reconstruction Authority. My remarks will be in the nature of something like a person going to a beautiful garden, but noticing debris lying in a corner camouflaged so that nobody could see, and points to it, and the good work done in the garden is

not thereby lessened if a visitor points out debris lying in a corner which must be removed.

In that spirit I should like to speak about the building programme in regard to medical and educational services. The hon. member Mr. Nathoo, when he spoke on this subject, wanted information from the hon. Member for Development in regard to this matter. I do not know whether in reply the hon. Member will give us the necessary information about the cost incurred in educational and medical buildings or not, but I should like to say this, that as far as the Indian community is concerned we feel that in expenditure incurred so far there has been no fairness shown. In the original development programme the amount reserved for educational buildings for the Indian community was less than that provided for European educational buildings. Now, it will be difficult for me to make my point and explain the situation unless I make comparisons in this regard.

I notice from the last quarterly report and also the memorandum that very big sums have been already spent for European educational buildings, and it is intended also to spend further very large sums. I have no objection to that, but in regard to Indian educational buildings a smaller sum was reserved, and a much smaller sum has been spent comparatively, and I understand that out of that small sum which was reserved for Indian educational buildings it is intended to cut out a fairly big slice. If that is the situation, I do not think my colleagues and I can consider for one moment that the expenditure on educational buildings is fair.

I would like to refer to page 14—

MR. RANKINE: If the hon. member would allow me a word of explanation, I think I can clear up certain points.

MR. PATEL: Certainly.

MR. RANKINE: When I referred to the ceiling, if I gave any impression that severe cuts were to be made, then that was misleading. What I intended to try and say was that all expenditure included for 1950 could not possibly be spent in 1950. I think we made that quite clear. In addition to that there is, of course, the ceiling. We have also to see that expenditure in 1950 on buildings

[Mr. Rankine]

does not exceed a certain sum. That does not mean that the estimates are being cut. We still hope and, indeed, intend, to carry out all the schemes that are included in the estimates, but it may not be possible to do them all during this year. It was never intended to do them all this year. As a result of the ceiling, it is true that some schemes, a few, will have to be postponed until a little later, but we still hope to carry them all out, and it is not intended to cut the schemes out altogether.

MR. PATEL: Mr. Chairman, I welcome the assurance given by the hon. member. At the same time, the information which is at my disposal makes me disturbed about the slow expenditure for Indian educational buildings. I notice in the quarterly report for 1st July to 30th September, 1949, on page 4, this: "Indian primary school, Mombasa. Four schools are being built departmentally on one site in two double-storied blocks. The completed buildings will accommodate 2,520 pupils".

About three or four days ago the hon. Director of Education gave me to understand that it was desired to stop the construction of two of these buildings for which the foundations had already been built, because I was told that the amount available for the Indian educational building will have to be reduced substantially. At that time I told the Director of Education that I was not prepared to discuss that matter unless an over-all picture of the amount of expenditure incurred for all the three communities was placed before the Indian members. I was asked to agree that the building of which the foundations had been dug should be stopped in Mombasa in order to make funds available for starting the new Indian primary school in Nairobi because the amount had to be reduced.

I would like in this matter to go into it at some length, because I feel greatly aggrieved about it.

On page 40 of the memorandum on the Development and Reconstruction Authority draft estimates we notice that a sum of a little over £1½ million is further required for certain works to be carried out. In that you find under Head 13, Buildings: "(c) European school buildings. The scheme value of

the schools included in the draft estimates plus expenditure already incurred amounts to approximately £1,551,600. The provision in the Development Committee's report, plus £55,000 provided from surplus balances for the Kenya girls high school, plus the sum of £272,000 by which the programme was expanded in 1949, amounts to £998,000. A further expansion of the approved programme by £553,600 is therefore required". That sum is necessary as indicated. We see in the same memorandum in regard to educational buildings that certain buildings have already been constructed in regard to European education. We notice in the quarterly report of the Development and Reconstruction Authority "This has been emphasized during the quarter by the fact that the Authority is continually being requested to undertake further works which were not included in the original programme. A few well-known examples in the past year—"

THE CHAIRMAN: You have exhausted your ten minutes.

MR. PATEL: I thought, Mr. Chairman, that one member from the Indian side was entitled to speak for half an hour?

THE CHAIRMAN: The rule is that the Chairman may permit four speeches by unofficial members not exceeding 30 minutes each, but permission shall not be granted unless a member desiring to avail himself of such period states his intention of doing so on rising to address the Chair, or unless the member unanimously obtains the consent of the Committee. If the Committee unanimously wish to give you further time, it is for them to do so. I take it the Committee would do so?

MEMBERS: Yes.

THE CHAIRMAN: There are no "Noes", and you can carry on. It would be much more convenient if you had claimed it in advance.

MR. PATEL: I am sorry I omitted to do so.

"A few well known examples in the past year are the Duke of York School and the new European primary schools at Nyeri and Kericho." These three were not included in the original programme, but because they were considered necessary they were brought into the list

[Mr. Patel] later on. On page 4 of the same report one notices under "school buildings" this: "Duke of York School. A second boarding block has been completed, and a third block is now under construction". That was not, as I understand it, included in the original development programme. One notices in (c) on the same page "European primary school, Nyeri. Good progress is being made by the contractor on this new boarding school". So that new school buildings not included in the programme have been started in regard to European education, while in the case of Indian educational buildings the buildings which were included in the original programme are not yet started. The only schools, so far as I see, in regard to the Indian education programme, are the girls school, Nairobi, and the primary girls school, Nairobi, and the primary schools at Mombasa.

I understand, and I am open to correction by the hon. Chief Secretary, that the amounts originally allocated for European educational building programme was about £1-million, and in the case of the Indians about £600,000; in the case of the African it was less, and that the amount for European buildings has been raised to £1.4-million, that is up by about £500,000, and I understand that a fair proportion of that has been already spent. Out of the balance of the intended £600,000 for European educational buildings, I understand the intended cut is £47,000 only. Out of the £382,000 for the Indians, the cut is about £110,000, and of the Africans £200,000 the cut is £100,000 which is about 50 per cent. I may be incorrect in my figures, but that was what I understood in conversations I had in regard to this matter with the Education Department. The Director of Education said that for the Indians there was a proposal to reduce by a certain sum, but for the Africans about £100,000 out of £200,000 will be reduced. If that is the position it is not a fair deal.

It is clear if anyone reads the quarterly report of the Development and Reconstruction Authority and the memorandum on the draft estimates that European buildings are going up very quickly, that large sums are spent on schools which were not in the schedule of the original programme, while in the case of the Indians even the buildings in the pro-

gramme have not been started. If that is the situation, I must repeat that it is not a fair deal, and the Administration is not treating the Indian community as if it is part of the population of Kenya. The remarks that I made when discussing the medical vote apply with greater force to the educational building programme. In this instance I feel that the Development and Reconstruction Authority have done things for one race only, and have not given a fair deal to the other communities residing in this country. Therefore I feel personally inclined to say that though I agree with a great deal of the work done I should be compelled and obliged to vote against the draft estimates of the Development and Reconstruction Authority in order to have my feelings and those of my community expressed that in the construction of Indian educational buildings the Indian community has not been given a fair deal. As a matter of fact, they have been treated very unjustly.

*Council adjourned at 11 a.m. and resumed at 11.20 a.m.*

MR. THORNLEY: Mr. Chairman, I had not intended to intervene in this general debate, but I think, in view of one or two of the statements which have just been made by the hon. Member for Eastern Area, Mr. Patel, it is advisable that I should immediately correct certain misapprehensions under which hon. members of the Committee would otherwise be suffering during the remainder of this debate.

As regards the fairness of what Government is trying to do, with far less capital available than the hon. Member for Development would wish, I must give some facts about what he and his builders, under the hon. Special Commissioner for Works, have been doing for Indian education. During the last 12 months four Indian schools—not two as I understood my hon. friend to state—have been completed. An Indian girls school here in Nairobi has been completed, which I think my hon. friend has seen and which I think hon. members, if they would take the trouble to go and see it, would regard as a very fine building indeed. It will be in occupation in a matter of a very few days now. Another Indian school, a very fine school, was completed last year at Nakuru; another one at Fort Hall also. In addition

[Mr. Thornley] to this, as my hon. friend stated, one group of two of the primary schools in Mombasa has been practically completed, and part of it is already in occupation. (MR. COOKE: Are these in the original estimates?) Yes, they were, but this is work done during the last 12 months. In addition to that work done during the last 12 months, the other group of two schools in Mombasa is under construction and the work is going on towards the completion of that particular group. The construction of an Indian primary school at Thika is proceeding very satisfactorily, and that school also will be completed during the coming year.

This work which has been done during the last 12 months, which I submit is an impressive record for the Development and Reconstruction Authority, has had the effect of providing an additional 2,788 places for school children in Indian schools. I might say, although like the hon. member I dislike comparisons, that during the same period the additional places which have been provided for European children under new, or extensions to existing, buildings is 575 places.

The hon. member mentioned a discussion which he had a few days ago with the hon. Director of Education, and I understood from him that—I do not know where he got this information from—these cuts he referred to, but which the hon. Member for Development has explained are not in fact cuts at all but merely possible adjustments of priorities, were reacting very unfavourably on Indian education as compared with the programme for European education. Well, the hon. Chief Secretary will give the precise figures when he winds up this debate, but I can assure my hon. friends that the disparity which he is under the impression exists is not so. He is quite wrong. We have endeavoured in our planning so to arrange the programme that such delays as must inevitably occur in getting on with these buildings are equally shared as between European schools, Asian schools and African schools.

MR. PATEL: May I ask the hon. member if he will give the exact figures of the amounts spent on European buildings during the existence of the Authority,

on Indian buildings, and on African buildings?

MR. RANKINE: Yes, sir, I will.

MR. COOKE: On a point of order, the hon. member Mr. Patel is well able to look after himself, but I understood that his argument was that an unscheduled scheme had been carried out, and a scheduled one had not. Was not that his argument? (MR. PATEL: It was.)

THE CHAIRMAN: Hardly a point of order. (Laughter.)

MR. THORNLEY: All I can say on that matter is that no schedule has been carried out and no works have been done which have not been fully approved by the Legislative Council. (MR. COOKE: Standing Finance Committee.) (MR. RANKINE: Legislative Council.)

There is only one other point I want to make in this intervention. I should like hon. members of the Committee to appreciate that, with regard to the discussions which the hon. Director of Education had with the hon. Member for Eastern Area and his colleagues, those discussions were held at my request, as a matter of courtesy, to ascertain, when this question of priorities was being considered, as to which school should be started first, not which school should be cut out of the programme, but whether this school here or that school there should be commenced first, what the views of the hon. member and his colleagues were on this matter. That seemed to me a reasonable approach. Because we were anxious that when we could not get on as fast as we wanted with all our buildings, we should as far as we could arrange priorities in a way which would meet with the approval of hon. members opposite. That was all there was to that conversation and, as I say, your work cannot be proceeded with as fast as we want we have had to reduce the pace to keep pace with such moneys as are available. The actual cuts themselves have been so arranged as to be equally shared so far as delay is concerned, as between the European building programme, the Asian building programme and the African building programme.

I beg to support.

MR. MATHU: Mr. Chairman, I should like to be permitted to speak for half

[Mr. Mathu] an hour. I do not think I will use it, but I think I had better cover myself in case.

I should like to support the motion before the Committee, and I join with those who have congratulated the hon. Member for Development for the work that his Authority has performed in the past. (Applause.) I think he needs to be congratulated, because he found this baby already started on the way by Sir Gilbert Rennie, and I think he stepped in very well. I should like also to say that I agree that the present set-up should be allowed to continue for some time longer, although I must say I have tremendous sympathy with the proposal made by the hon. Member for Nairobi South about the amalgamation of all the estimates, but for now I would personally prefer that this Authority should be allowed to continue for some time longer.

The points I should like to raise will be mainly connected with the Development and Reconstruction Authority programme in regard to roads, and with special reference to roads in the local native council areas, and to say that I have for many years now been voicing in this Council the dissatisfaction of the African community regarding roads in their own areas, and mainly on the aspect of hard-surfacing some of them. I have said that in the African areas the roads are usually clouds of dust in the dry weather and impassable mud in the wet weather. I have never said that we can hard-surface at once all roads in the African areas, but that we should have a progressive programme to hard-surface some of what you might call main trunk roads in African areas, so that we can at least have some roads which are passable in wet weather and which will enable us to move produce from the producing areas to the markets. That I am sure is a point on which the hon. Member for Kiambu would support me, because that would give you dividends straight away. It is a productive service.

In 1947 I asked a question in this Council, question No. 94, about this very matter, and Government replied in regard to hard-surfacing that I had asked for mileage, and they said "With reference to part (b) of the question, it is regretted that no record exists of the

total length of L.N.C. roads which has been hard-surfaced". The fact is that as I move about the country, unless a road is a through road joining one township with another and going through the native land unit, I know of no road which has been hard-surfaced which is entirely under African district council jurisdiction. I have one in mind which has been hard-surfaced and which does not join two townships, but it happens to go through the native land unit to a dam which supplies Nairobi with water. Apart from that I know of no other, and I should like to emphasize this point because it is, I think, vital.

Like other hon. members, I do not want to give comparisons, but district council roads—and district councils are spending bodies on the whole, some of them anyway—are hard-surfaced, and you can tell whether you are on a district council road or an African area road in wet weather. When you drive off the murrum into the mud you know you are moving into an African area. All I am suggesting is that there should definitely be a progressive programme by the provincial authorities with, if necessary, leadership from the Development and Reconstruction Authority, that some roads in African areas should be all-weather roads, and nothing short of that will satisfy the African community. This applies throughout the country; I am not referring to any particular province or area.

There is another point in regard to this: what is the African doing himself? The African definitely is not only spending what money he has on local native council roads, but he is also voluntarily giving free labour, making a network of roads in his district. I should like any person to visit the Fort Hall district in the producing areas and to see the network of roads made by the African himself, voluntarily. If he does that surely he wants some encouragement so that in wet weather he can move his wattle bark to the market, because he has done some of it. As we are this year proposing £20,000 from the Development and Reconstruction Authority funds, to be spent on local native council areas, I think the Development and Reconstruction Authority should have an opportunity to say something in this matter, because just putting shovels of earth

[Mr. Mathu] over ditches every time is wasteful expenditure. I am suggesting that in the African areas we can have a progressive programme of hard-surfacing the roads and building some of the bridges and drainage in permanent material, because it is only in that way that you can reap dividends in the years to come.

Now, finance. I am sure the hon. Member for Development will tell me, as he has told me before in this Council, that there is not sufficient money and that the Development Committee recommended that £75,000 be spent on roads in African areas. Well, the Sub-committee on Communications of the Development Committee recommended £150,000 on page 95 of Volume II of the Development Committee Report, and the main Committee divided that in two. There do not seem to be any reasons for that halving, but I am not going into that now. I agree with the hon. member that there is not sufficient money, but I am suggesting that there is nothing to prevent us, as the hon. Member for the Coast has said, reviewing the matter and giving the Development and Reconstruction Authority more capital to do the work, because I do not think £75,000 will see any effect whatever in the road programme in African areas, and I personally would support any scheme which was put forward by this Council or by Government to give the Development and Reconstruction Authority more funds as far as the road programme is concerned. But I say that even with the modicum of finance, if we can have a plan for the African areas over what I might call the main trunk roads, and hard-surface even one mile per year of one road, I personally would be satisfied. But at the moment we seem to be doing nothing in that matter.

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

MR. MATHU (continuing): Mr. Chairman, when the Committee adjourned for the interval I was suggesting that the insufficiency of finance should not debar us from having a planned programme for the hard-surfacing of roads in local native council areas, and in fact in the year that I am quoting—January, 1947—the hon. Member for Health and Local Government, in reply to the question I quoted, said that the £15,000 which had

been voted in that year out of the £75,000 for local native council roads would be used for hard-surfacing. The exact words are: "A number of local native council roads will benefit by the provision of this sum"—that is the £15,000—"part of which would be used for hard-surfacing". I am only suggesting that we should have had evidence since 1947 that in fact some money has been used for hard-surfacing these roads. For the present year we have £20,000, and in the memorandum on the estimates it is written that the sum of £20,000 is provided "to enable the provincial commissioners to continue agreed programmes of improved roads in local native council areas". The word "improved" to me would be more welcome if it included hard-surfacing roads in the African areas.

One final aspect of this road programme is that I assume, in my presentation of these facts, that the Development and Reconstruction Authority will also assist or give leadership to local native councils to have the machinery required for these roads, as well as experts to help in drawing up plans, because I am not in the least suggesting that all this should be done haphazardly without a planned programme. The Public Works section of the Development and Reconstruction Authority would, I hope, help the local authorities in African areas to have plans for the roads that I am suggesting.

I should like before I finish to make clear the position that I am trying to outline. I am not suggesting that this is a racial issue at all in comparing it with district council roads, but I am only stating an unavoidable fact that here, as in other aspects of African development, we require positive leadership. The main reason is economic. We must produce to the capacity of the country in the way of food and other things, and roads are a most indispensable factor in this matter. It is for that reason that I want to stress that it should not take us longer than it has taken. It has taken 25 years for local native councils to produce what I am trying to do to-day, and I hope it will not take another 25 years before we can have permanent improvements of roads in African areas.

I beg to support.

MR. MATTHEWS: Mr. Chairman, I rise merely to refer to two purely financial

[Mr. Matthews] points which have been raised by the hon. members opposite, one by the hon. Member for the Coast and the other by the hon. Member for Rift Valley.

The hon. Member for the Coast suggested that we should investigate the possibilities of raising a purely local loan. He said that there was a considerable amount of money available for investment and that we should take advantage of that situation. He also suggested that, in order to take in this money, it would be quite justifiable to offer even half per cent more than the rate at which we might secure the money on the London market. In the first place, our experience so far with purely local loans has gone to show that, for some reason or the other, a purely local flotation is not at all popular. That experience was particularly emphasized in the matter of the 1945 loan, when a certain amount of underwriting had to be done. (MR. COOKE: The rate of interest was very low.) The rate of interest was 2½ per cent, which at that time was not low. I believe Consols at that time were at par.

It seems to me rather difficult to justify floating a loan at X plus ½ per cent, when in fact you can secure the money at X per cent. Let us take the figure, I think it was £4-million, which the hon. member suggested might be available for investment here, and let us suppose—I do not say this would be the correct thing, but for the sake of arithmetic let us suppose we could float a loan of £4-million on the London market at 3½ per cent. The suggestion of the hon. member is that if we float that locally at 4 per cent we should get all that money and would retain the interest in the country. Well, the suggestion is that we would be prepared to put down £20,000 every year, which is the difference at those rates of interest, for the sake of retaining in the country a sum of £140,000. I am rather dubious as to whether or not that is financially sound. You cannot in any case guarantee that the £140,000 would stay in the country, unless of course we had income tax here of 20 shillings in the pound and no allowances! However, in any case the amount of locally available money, even if it were £4-million, and I am somewhat doubtful whether there is in fact £4-million, that amount of

money is relatively insignificant compared with what we are required to borrow to finance this programme. In any case when we do float our loans, every step will be taken to ensure that facilities are given for local investment in those loans, and we shall ensure that the optimum amount locally available shall have every opportunity of investing in those loans. There is no doubt that we shall soak up all the local money available and willing for this investment.

I am very much at one with the hon. Member for the Coast in his dislike of the principle of a tax equalization fund, I believe, as I have said before, that the best way in which this State, or any State for that matter, can meet the onslaught of economic adversity is by building the State upon a resilient and multi-facet economy. No feasible sum of money which might be in the bank or in reserve could possibly postpone indefinitely the effects of a world economic blizzard. Far better that our economy be spread over as many productive activities as possible. Consequently, the best way in which we can utilize our resources at the present time is to build up a strong and multi-facet economy, resilient in the face of adversity. I will say, of course, in full agreement with the hon. Member for Kiambu, that it is essential, and I have said this before and I repeat it, that we must have a reserve. We must have a substantial reserve, and I again repeat that it is my intention that such a reserve shall be maintained and that no attempt to fritter it away will be tolerated.

The hon. Member for the Coast also suggested that we should step up our revenue contribution to the Development and Reconstruction Authority to a figure of £500,000 a year, as compared with the present £300,000. Well, sir, of course the hon. member is probably aware, but may I remind him in case he is not, that there have been from time to time in the Development and Reconstruction Authority programme special contributions from revenue for special objects, and these special contributions at the moment exceed in total the figure of £1-million. So that in fact our contribution from revenue has been considerably in excess of the £300,000 per annum contemplated by the original re-

[Mr. Matthews] port. (MR. COOKE: Have they not been handed back, these contributions?) No.

THE CHAIRMAN: The hon. member should rise if he wishes to interrupt the hon. member in any way.

MR. COOKE: It was not a point of explanation, sir.

MR. MATTHEWS: Now, sir, the suggestion is that the annual contribution should be stepped up to £500,000. I know my hon. friend on my right, the Member for Development, would be grateful for any small mercies, but the addition of £200,000 a year over the next five years would simply mean a total addition of about £1-million to the over-all programme. That, again, sir, I am afraid is a small sum—in fact a very small sum compared with what, in fact, is needed if the full demands against the Development and Reconstruction Authority are to be accepted.

I would like at this stage to turn to the remarks made by the hon. Member for Rift Valley. He wanted to know on what basis, on what calculation is the limit of £20-million public indebtedness based. I would invite the attention of the hon. member to the form of Loan Ordinance which from time to time is placed before this Council when permission or sanction to raise money is being sought by Government. It will be observed that at about the third clause in every such Loan Ordinance there is a statement that the loan will be secured on the revenue of the Colony. It is quite obvious, therefore, that the amount of money that you can raise must be directly related to the revenue as far as it can be foreseen over a period of years. The question is, I think he suggested, why can it not be based upon potentialities. Well, it is rather difficult for the potential bondholders on the London market to go into the question of potentialities. They would have to assess precisely how these potentialities will affect the revenue.

Again, you might say, what other assets have we? It is very difficult for us indeed to include in any prospectus our other assets. I do not know that we have got any particular negotiable assets, realizable assets. We might suggest that if we fall down on revenue we could always sell out the Secretariat and its contents (laughter), but there might be

some slight objection to that, sir. Of course, on the other hand, you might say, surely if this country is going to be wealthy let us try for instance to investigate the taxable capacity, the willingness of the community to suffer or enjoy income tax. I think that would be a very difficult piece of calculation to make, particularly having regard to the tone of debates in this Council in this budget session. However, the fact of the matter is that undoubtedly the only concrete thing on which the prospective bondholders can base their judgment is the revenue, that is the State income. From that State income will be met the sinking fund charges and the interest. That is the only tangible thing on which judgment can be based.

The hon. member has suggested that the moneys to be made available to the Development and Reconstruction Authority, assuming of course we can in fact borrow them, are not enough. I can well understand the hon. member's feeling of apprehension—I have exactly the same feeling—but there is no use our kicking against the pricks. We have just not got more money—we cannot raise it. He suggested that we must have a further £10-million over and above the £28-million which has been suggested. Well, the figures are rather interesting inasmuch as such further availability would mean the borrowing of another £10-million. Consequently, on top of the figures that I have mentioned in my budget speech there would be a further £450,000 recurrent on account of loan charges alone, and that with a 1 per cent sinking fund contribution only—£450,000. On a conservative estimate you can assume that the projects and schemes which were financed from that further £10-million would certainly involve recurrent expenditure of about £1-million, so the hon. member's suggestion would mean that over and above the £41-million recurrent expenditure which I have mentioned as arising from the present Development and Reconstruction Authority programme there should be a further £11-million. I pale in the face of those figures. I appreciate of course that the hon. member—

MR. COOKE: —

THE CHAIRMAN: I must call the hon. Member for the Coast to order. It is not in order to interrupt in the fashion the

[The Chairman] hon. member is indulging in. The rule lays down that no member is to be interrupted unless he gives way by resuming his seat, and until the other member has given way you are not entitled to make these interjections. I quite agree an apt interjection now and again is salt to the debate, but a continuing running fire of comment on an hon. member's speech is not in order.

MR. COOKE: I was thinking of Mr. Churchill's remark—"The value of a small House of Commons is that it leads to swift interruptions and interjections".

MR. MATTHEWS: Now that the hon. member has completed dispensing his salt maybe I can go on!

As I said before, I can well understand the feeling of frustration in the hon. member's mind. Here we have a new country, full of promise, many things demanding to be done—so many desirable things, so many essential things—and here we are bursting to do them but up against this blank wall of finance. We are told that we can borrow so much and no more, and we find that when we come to assess that finance against what we all want to do the thing just will not fit. The demand goes well beyond our monetary resources. It is because of that I feel the hon. member has made the suggestion that whatever the position we must have another £10-million. If you are going to secure this on the revenue, and you must secure it on the revenue, you just cannot do it at the present level of our income.

But, sir, if the hon. member will let me finish—I am about to sit down—there is one way, one way in which this can be done. It can be done by substantially increasing revenue. Of course, the obvious way of increasing revenue is by increasing taxation. If we increase taxation we can certainly increase our revenue and therefore raise our limit of borrowing. Moreover, if we increased our taxation and our revenue there is no doubt whatever we would have the moneys considerably to increase our contribution from revenue to the Development and Reconstruction Authority, even above the figure of £300,000 mentioned by the hon. Member for the Coast. Indeed, if the hon. Member for the Rift Valley would like at

any time I can show him the very delicate calculation which would indicate just how much extra income tax would be necessary in order to permit of our increasing our ceiling of borrowing from £20-million to the £30-million he has in mind.

With these words, sir, I beg to support.

MR. RANKINE: Mr. Chairman, first of all I should like to welcome very much indeed the many thoughtful and constructive suggestions which have been made in the course of this debate. This is really the first occasion during which I have had the honour of introducing the Development and Reconstruction Authority estimates that a really valuable debate has taken place. Hitherto there has been very much a tendency—naturally enough, I should hasten to say, because I am not trying to cast any aspersions—first of all to mutter threats against increased taxation or increased expenditure, and then to go on and suggest a hundred and one various new works or services which ought to be started. This time I think the debate, with possibly one or two exceptions, has taken a much more constructive turn.

In particular I would like to congratulate the hon. Member for Kiambu on his contribution (hear, hear), and to endorse what he said about the need to design the development programme to develop the country as a whole in the interests of all the inhabitants and not to press the special claims of any one community or one section. Secondly, I do very much appreciate the references which have been made to me personally, even although they have borne the appearance of sugaring rather a large pill to be administered later. I certainly cannot claim any credit. As I have tried to explain already, the Development and Reconstruction Authority works through all the ordinary departments and agencies of the Government and if there is any credit due to anyone it is due to all the Members and the heads of departments and to the other Secretariat officers, who have all worked as a team to carry out the work of the Development and Reconstruction Authority, and to people like the superintending engineer of buildings, who has had the enormous task of carrying out our very large building programme.

[Mr. Rankine]

A very great number of comments have been made, and although I shall have to claim an unlimited time—(THE CHAIRMAN: You are entitled to.)—I cannot possibly refer to them all individually, and therefore if I deal with them more generally and if I omit to answer some of the detailed questions I hope that the Council will give me its indulgence.

The hon. Member for the Coast, in his usual form, made many pungent criticisms of the Development and Reconstruction Authority. Some of them, with all due respect to him, appeared to be of a rather general character, which he applies generally, irrespective of whether they happen to fit the particular subject that he is criticizing or not. Nevertheless, there is a good deal in some of what he says. He and others have said that the sums available to the Development and Reconstruction Authority are inadequate and ought to be increased. I agree entirely that for many of the things which we are trying to carry out and which we are asked to carry out the money available is inadequate, but on the other hand that is not a criticism of the Development and Reconstruction Authority. The Development and Reconstruction Authority merely has to do the best it can with the money that is made available to it.

I would agree also with what has been said by the Member for Rift Valley and others, that there is the appearance that we are doing far too much—or at least I would not say we are doing too much because that is not correct—but we are spending a large amount of the money on construction and reconstruction projects and not enough on what is really developmental. That is true, but as he went on himself to point out, the construction and reconstruction side is inescapable, and in a young and growing country it simply must be done, and there is therefore no alternative open to the Development and Reconstruction Authority but to do it.

Members did refer to the need for finding more money, and I think my hon. friend the Member for Finance has already replied to that point. There are only two main sources of revenue for the Development and Reconstruction Authority: one is from loans and

the other is either from revenue or from surplus balances, because it really comes to the same thing, and as he pointed out the amount that we can raise by way of loans is strictly limited. I would agree that we ought to try and make more money available from the other sources, but I do remember very clearly the debate on the Plewman report which took place only a few days after I had arrived in the country. Although I had very strong views on the subject at the time, because I had so recently arrived and because it might be regarded as very presumptuous of me in the circumstances to utter them, I did not do so. My hon. friends on this side, in particular the Deputy Chief Secretary and the late Chief Native Commissioner, and also, to give him credit, the hon. Member for the Coast, had certain things to say with regard to increased taxation in order to make more money available for development. I would merely remind the Council of that debate, and I think a reading of the Hansard would be very instructive to many hon. members. It has of course been suggested many times that we can provide more money by effecting economies, and some comment has been made on night watchmen and nutritionists and others. Well, far be it from me to suggest that economies cannot be effected, but if anybody thinks that we are going to find the large sums which we need for development by effecting economies they are merely taking an unrealistic attitude.

MR. COOKE: On a point of explanation may I remind my hon. friend of the old Scotch proverb, "Every mickle makes a muckle".

MR. RANKINE: The hon. Member for the Coast is quite right and I said, far be it from me to deny what a revenue economy can be. All I am doing is suggesting that if anyone thinks we can find the large sums which we require for many of the things that have been pointed out by effecting economies he is being unrealistic and is merely refusing to face the issue. If we really want very large sums for development well, then, the sooner we face up to the real issue the better in my opinion.

The hon. Member for the Coast went on to suggest that we were going nowhere and getting nothing—that there was no sense of urgency. As regards the

[Mr. Rankine] policy, that was decided when the Development Committee's report was adopted, that set the direction, and the Development and Reconstruction Authority, as I have pointed out, is merely carrying out an approved policy in that connexion. As regards his allegation that there is no sense of urgency, I would be the first to admit that the Development and Reconstruction Authority got away to a slow start, but I do suggest that since then it has made up a good deal of time, and that its actual record is very impressive.

During the debate some time ago on agricultural policy hon. members were good enough to admit that in the way of rehabilitation of the soil a great deal had been done, and that has largely been done by the Development and Reconstruction Authority. But in the way of buildings a very great deal has also been done. In the way of water supplies, dam-making and many other things, an enormous amount has been done, and at the present time, as I pointed out, we are now spending at the rate of £4-million to £4½-million per annum. My hon. friend the Member for Finance has pointed out that that rate cannot be sustained, and certainly in a programme of about £24-million it is going very fast. It is quite true that the Development and Reconstruction Authority probably could have gone faster. It could have done very much more in the way of letting contracts if it had had no regard for value for money or to the effect on building costs. I suggest that the Development and Reconstruction Authority has encouraged firms of repute to come and establish themselves here, and that as a result costs are still competitive. My hon. friend knows, and I believe has had conversations with the Member for Development from Northern Rhodesia, who was here recently. He told me that there the costs are very much higher than ours, and one of the reasons which he gave is that we have had regard here to this factor. The Development and Reconstruction Authority has a responsibility, both to Government and to taxpayers, as well as to the effect on the cost of living, and had it gone ahead and blown the whole of the money in the first year or two I consider that it would have been acting without responsibility.

MR. COOKE: Would the hon. Member agree that gravamen No. 1 was you have got to raise the standard of living in this Colony in the shortest possible time, and No. 2 was, all must work? Neither of those have been carried through by the Development and Reconstruction Authority.

MR. RANKINE: Mr. Chairman, as the hon. member well knows those are not criticisms which can be applied to the Development and Reconstruction Authority as such. The Development and Reconstruction Authority is not the executive of Government. The Development and Reconstruction Authority is carrying out an approved programme approved by this Council and that criterion of raising the standard of living as quickly as possible was the criterion adopted by the Development Committee and not by the Development and Reconstruction Authority at all. The Development Committee made its recommendations for achieving that end and those are the recommendations which the Development and Reconstruction Authority is now carrying out, and to suggest that the Development and Reconstruction Authority has failed in its object for the reasons given by the hon. member is really quite misleading.

The hon. member has suggested there is a lack of drive. There are, of course, two ways in which the Development and Reconstruction Authority could have gone about its purpose. One was by setting up its own agencies and compartments all over the country. The second was to use the existing departments and agencies, and the Development and Reconstruction Authority—quite rightly, in my opinion—adopted the second. It seems to me that what the hon. member would really like is to have a small and very high-powered team of powerful personalities rushing about the country giving orders here and cancelling orders there; promoting people here and sacking others there; determining priorities, and so on—in effect creating chaos and inefficiency over the whole of the country. I cannot imagine any way of doing it worse designed to achieve real drive and efficiency, and in any case it would cut completely across the Membership system. I suggest that the way in which the Development and Reconstruction

[Mr. Rankine] Authority has gone about it is the right one.

He went on to refer to meetings of the Development and Reconstruction Authority itself and asked how many meetings had been held, whether minutes were kept, and whether the minutes were circulated to the Standing Finance Committee. The Development and Reconstruction Authority is an executive body responsible direct to the Governor. It is not responsible to the Standing Finance Committee—in fact, the Standing Finance Committee has no function with regard to the Development and Reconstruction Authority except to vote or not to vote additional money to the Development and Reconstruction Authority when it is invited to do so. The Standing Finance Committee is not an executive or advisory authority. The Development and Reconstruction Authority is an executive. It is responsible to the Governor. It makes very regular, comprehensive and up-to-date reports in which details are given of all the works being carried out. Those reports are laid on the table of this Council very regularly, and in fact the report for the quarter ended at the end of September has already been laid and the annual report for 1949 is now being prepared. The Development and Reconstruction Authority aims to have regular formal meetings about once a quarter. It does keep minutes. In addition to that, it reviews the whole of the work going on every quarter. It holds numbers of informal meetings and discussions. As I have said, it is an executive body and its main purpose is to deal with the execution of the programme. Most of the points arise from day to day because the main policy has already been decided, and those are dealt with either by the Chairman or by the Chairman in consultation with the other members, both by circulation of papers, by letter, and more often by telephone.

It has been suggested by the hon. Member for Nairobi South that the Development and Reconstruction Authority budget and the Colony budget should be amalgamated again. There are, of course, two views on that subject. The reasons why the Development and Reconstruction Authority budget was separated was in order, first, to give the Council and taxpayers a clearer view of

the money which is made available for capital expenditure. The second, and in my view more important reason, is to allow development expenditure to be debited to specific funds made available for the purpose over a longer period than would be the case under the normal Colonial system of accounts and annual estimates. That in my view is most important, and the hon. Member for Kiambu did refer to it, and it seems to me essential that we should make available sums on a longer-term basis and not have to vote money every year for capital expenditure. The result of that would be that at the first threat of the onset of a slump the tendency would be to cut out all development expenditure just at the very time when it ought to be continued, if not increased. I do admit that there are sums which are really capital expenditure shown in the ordinary revenue estimates and that there are arguments in favour of amalgamating the two, but on the whole I think that the advantage lies in the separate capital budget. It is true, as the hon. Member for Nairobi North pointed out, that when you look at the budget as at £10-million you are of course ignoring the £4½-million shown in the other capital budget, but it is quite a simple matter to add the two together.

MR. VASEY: On a point of explanation, the argument was that of the hon. Member for Nairobi South.

MR. RANKINE: I beg your pardon, the hon. Member for Nairobi South, and he suggests that the planning should be done by the ordinary officers of Government. As I have tried to point out, the planning is done by the ordinary officers of Government and that the Development and Reconstruction Authority projects are carried out by the ordinary Government departments. Of course, they have not always got the staff to carry out the large schemes, and in that case the Development and Reconstruction Authority makes staff available to them for the purpose.

The hon. Member for Nairobi North referred to the question of loans for re-lending to local authorities. I agree with him entirely as to the importance of that. The trouble is that everybody knows that there is not enough money to go round, and I do hope that we may be able to find money for lending to

[Mr. Rankine] local authorities from some other source than out of the £20-million, which is the limit of our loans. They can get money from the banks, for instance, with a Government guarantee, and it is only because of the urgent need to find additional funds that we are exploring these other sources.

A number of members have referred both to the constitution and to the set-up of the Development and Reconstruction Authority and the Planning Committee. I would like to say that we welcome the suggestions and comments that have been made, and that the organization of the Development and Reconstruction Authority and the Planning Committee is being reviewed by Government and that we will take notice of the many suggestions made.

The hon. Member for Kiambu did criticize the building on the ground that it was expensive and costly, and although I asked him he did not mention any building other than the Kenya girls high school, which is alleged to be over-elaborate. As regards the Kenya girls high school, I should say that I cannot claim any particular credit for the design of that school, because instructions to prepare the plans were given to the architect long before I came to this country. The decision as to whether we should proceed on those plans did rest with me, and I took the responsibility for having given the orders that it should go ahead. It seems to me strangely ironic that at this stage of the proceedings, after so much has been said both about getting on with building the school and not skimping it, that Government should now be criticized for building it and building it in the way it is doing.

It is true that it is costing a great deal of money, and those who look only at the bill and take no regard for the future may call it extravagant. In my view we are building here something of which the country, at any rate in the future, will be justly proud, and in my view we will get value for every penny spent. Posterity will be the judges, and I think that their verdict will be that we have not only spent wisely and well—(A MEMBER: Too well.) There is an old Chinese proverb which says "If you are

planning for a year, plant grain; if you are planning for ten years, plant trees; but if you are planning for a hundred years, plant people". I suggest that in this great school we are planning for a hundred years, and we are planting there our future leaders and, not only them, but the wives and mothers of leaders, which is even more important. In a community like this of many races which is dependent on good leaders I do not think that anyone should grudge any money that is being put into the Kenya girls high school.

I could go on and give you facts and figures about the school which I think would completely justify the expenditure. I will not take up time here and now, but if anyone wishes to raise it when we come to the particular item under the building head I shall be glad to deal with it then.

The hon. Member for the Central Area, Mr. Nathoo, expressed some concern regarding what he called the cuts in the building expenditure, particularly with regard to Indian education, and I am glad of this opportunity to reassure him. First of all, as I have already tried to explain, we are not cutting out any particular school. It is merely a question of priorities, and that I hope, and intend, that all the items which are included in these estimates will in fact be carried out. As we have explained most carefully in presenting the estimates and in the various memoranda, each year the Development and Reconstruction Authority budget does not represent the actual items which we will carry out during the year. It is really the next instalment of the programme, and I did explain that we had not any hope of being able to carry out the whole of the £6-million-odd of work included in the estimates in 1950, that in fact we do not think we could carry out much more than three-quarters of that work, and the scaling means that we have to plan very carefully indeed.

On the question of educational buildings, as everybody will appreciate, determining the exact priorities and exact works to be carried out has been a very difficult task indeed, that in deciding priorities we have given the very greatest care to a proper balance between communities, and that by putting off some

[Mr. Rankine] of the works until a later date we have preserved the exact balance. In putting back works of European education and Indian education we have preserved exactly the same balance as was in the original estimates. Almost exactly 20 per cent of the total work has had to be postponed. If, of course, any particular work which is in the programme cannot be carried out, we will try to do another in its place. But, as I say, he did ask for an assurance that there was a fair sacrifice on both sides. I can give him that assurance.

The hon. Member for Eastern Area, Mr. Patel, went on to criticize the Development and Reconstruction Authority expenditure on the ground that we devoted far more in the way of educational buildings for Europeans than for Indian or African. While I would admit that we have spent more on European education, I do take issue with him at once on the ground that we have provided less for Indians, and I have had a most careful analysis made of the work we did last year. Take first of all the new schools. Last year, no new European schools were completed, but four were under construction. Four new Indian schools were completed, and six were under construction. Four African schools were completed, and two were under construction. Taking secondly additions to schools: one European was completed and four were under construction; no Indian additions were completed and one was under construction; four African additions were completed and seven were under construction. To summarize this: There were nine European schools, 11 Indian schools, and 17 African schools either completed or under construction by the Development and Reconstruction Authority in 1949. That is on the question of schools.

Let me deal now from the point of view of places. During last year, 575 new places were added to European schools, 2,000 were added to African schools, and 2,788 additional places were provided at the Indian schools. I think that hon. members will perhaps agree that the hon. member Mr. Patel was perhaps right in his criticism that there was discrimination there, not in favour of the Europeans but in favour of the Indians. (Hear, hear.)

MR. PATEL: May I ask the total amount spent for European buildings since the Development and Reconstruction Authority commenced, and on Indian and African buildings?

MR. RANKINE: I am afraid that I cannot give that information at this short notice, but we can, of course, calculate it. I think that if he looks at the last page of the memorandum most of the information is there, but, of course, I know what he is getting at, and that is that we are spending more money on European education than on Indian. That is quite true; and I admitted that at the beginning, but what the hon. member Mr. Patel very definitely overlooks is the fact that there is a great difference in the fees paid. European primary boarding fees are £60, tuition £9, European secondary boarding fees £72, tuition £22-5; Indian education fees average £4,725, which represents a very large burden borne by the Europeans.

MR. MADAN: If the hon. Member will give way?

Will he say that these fees are consistent with the facilities provided in these two cases?

MR. RANKINE: I do not quite follow the hon. member's comment, but I was going on to say that Indian fees are only about half the European fees, and less than a quarter of those for European secondary education. When you reduce expenditure on schools to terms of fees, I do not think that there is any discrimination or that the expenditure is disproportionate.

The hon. Member for African Interests, Mr. Mathu, made certain comments on the subject of the amounts allocated for improvements to roads in local native council areas, and suggested that there ought to be a plan sponsored by the Development and Reconstruction Authority and that money ought to be spent on hard-surfacing. I would be the first to admit that the money is not adequate, and it does not go very far. That, of course, applies to nearly all the Development and Reconstruction Authority heads, but the money is being spent and it is all being spent on capital improvements to roads such as bridges, culverts, and hard-surfacing. The programme is approved by the provincial

[Mr. Rankine]

the commissioners on the advice of the divisional engineers, and no money is spent on maintenance. I cannot give the hon. member at short notice the exact mileages or where they are, but, for instance, money was spent last year from Development and Reconstruction Authority funds on hard-surfacing local native council roads in the Kilifi district for one. Before I leave that subject I ought to tell the hon. member Mr. Mathu that there is a special engineer on the staff of the Public Works Department who is available for advising local authorities on roads, including local native councils. In addition to that, of course, they can always call on the advice and assistance of the Public Works Department officers in the area concerned.

The hon. Member for Kiambu referred first of all to the organization of the Central Roads Branch. That of course is being set up to cater, among other things, for proper planning of the roads programme. He went on to suggest that the creation of the Road Authority ought to be speeded up. We will get on with that as quickly as we can, but I ought to sound a word of warning on the subject of the Road Authority. It appears to be the belief that as soon as we have set up the Road Authority it will provide the solution to the provision of good roads. In my view the real problem is finance, and the setting up of the Road Authority is not going to solve that problem. If we believe it will we are merely misleading ourselves and performing once again the ostrich act of hiding our heads in the sand.

MR. COOKE: On a point of explanation, will not people be much more willing to subscribe if they know it is going into a specific fund? Therefore you will get more money for the Road Authority—that is the point.

MR. RANKINE: If the hon. member is right nobody will be more pleased than I, but I certainly doubt it.

Some comment was made on the subject of A Route, and I can only say that the decision to construct A Route arose neither from the initiative of the Development and Reconstruction Authority nor Government, the suggestion came from the Central Roads and Traffic Board, which advised that that

road should be made. I do not suggest that it should not have been made. I would merely say that there comes a stage when the traffic is such that there is no alternative but to try and provide a bitumen surface, and the A Route had reached that stage. But I do agree that it might, now that we can be wise after the event, have been advisable to try first and spend the money on some other road. But as I have said, the suggestion did not come either from the Development and Reconstruction Authority in the first place or from Government. It came from the Central Roads and Traffic Board, and the mandate of the Development and Reconstruction Authority is to take advice on the subject of which road should be constructed from that body.

Sir, I think I have tried to cover all the points that have been made so far. As I have said, there are a great many and it is difficult to keep track of them all. If I have omitted any I must express my apology and say that we will try and make it good when we come to the particular item concerned.

THE CHAIRMAN: Before I put the question as proposed, I think I should inform the hon. mover that the amendment you propose to move to this estimate will be out of order, and it will be necessary to introduce a supplementary estimate to effect what you require. In that case probably you might now word the motion to cover the whole head.

MR. RANKINE: In that case I naturally accept your ruling, and I will bring forward later a supplementary estimate to cover the items concerned. I therefore beg to move that Head 1, items 1 to 9, be approved.

THE CHAIRMAN: We only had items 1 to 2 before us. If any member has anything to move on an item now the policy apparently has been disposed of will they do so; if not, I will put the question.

The question that items 1 to 9 be approved was put and carried.

#### Head 2—General Works Staff

MR. RANKINE moved: That Head 2, General Works Staff, be approved.

The question was put and carried.

#### Head 3—Town Planning

MR. RANKINE moved: That Head 3, Town Planning, be approved.

MR. BLUNDELL: Mr. Chairman, last year we asked the hon. Member to schedule the areas which were going to be town planned so that those who were lucky enough not to be scheduled could proceed well with normal business and develop the Colony. We never heard whether that scheduling was accomplished and in what form.

MR. RANKINE: That scheduling was done. It is not actually within my province. What was done was that the more important towns of the Colony were scheduled. They are subject to town planning by the town planning adviser. The others are not.

The question was put and carried.

#### Head 4—Agriculture

MR. RANKINE moved: That Head 4, Agriculture, be approved.

MR. HOPKINS: Sir, you will remember that a few weeks ago you ruled me out of order because I was mistaken enough to feel I could make general remarks about pasture research under the sub-head Pasture Research. Of course, I should have done so under the item Agriculture. I have now been waiting patiently for a number of weeks to say what I wanted to say then!

During the debate on agriculture quite a number of people got up and stressed the necessity for putting down agricultural land periodically to grass leys in order to maintain soil fertility and soil structure. The general impression given by the debate was that this ley process was a very simple one which anyone could follow, and I should like to show that in certain areas this is not the case. In the higher country, that which lies roughly from 7,000 ft. upwards, the rainfall is almost always fairly reliable and it varies from 30 in. to 50 in. roughly a year. There is no difficulty at all about establishing on all old agricultural lands in this area one or another of the grasses which are recommended for leys by the Agricultural Department. Even if the land is not definitely put under a ley but just left fallow, in a very short time good grasses establish themselves. They are generally, in this altitude, either Kikuyu

grass or star grass, according to what the altitude and rainfall is. These grasses are good pasture and they are, in fact, very much better than the original pastures which they have replaced, which are generally at this altitude rather coarse and sour.

When, however, one comes down to the large belt of country which lies roughly between 6,000 ft. and 7,000 ft. it is quite another matter. The other rainfall varies as a rule from 20 in. to 30 in. a year and it is rather unreliable. This considerable belt of country is, however, very fertile. It produces good wheat and first-class barley, especially of the malting variety. No one, however, seems yet to have found a way of establishing a ley on this country, which I told you was rather high, rather dry and rather cold. The normal grass of the area, which is oat grass, is a good grass and a hardy grass, and in my experience will stand an amazing amount of overgrazing. It will also stand up to periodic burning, which few other grasses will, but it seems quite impossible to re-establish it once you have ploughed it out. Instead in my area the old lands are very rapidly invaded by a grass which locally we call "Golden Timothy"—I think it is one of the seterias—and this grass is of practically no food value whatever. No stock would look at it if it could possibly get anything else, and the result is that your old lands are lost not only to agriculture, to cultivation, but also to pasture.

I know that the Director of Agriculture is busy trying to establish a pasture research station at Naru Moru, which is near to this area which I am talking about, where altitude, rainfall and general conditions are very much the same, and as this type of land exists not only in my area but all over this country in the farming land I do hope that he will be able to tell me that he is going to do his best at this station to find out the best kind of ley to plant, and otherwise to discover how best to maintain the fertility of this land and the excellence of its pastures. As I said, this type of land which I have tried to describe exists not only in my area, it comprises a very large proportion of the mixed farming area of Kenya, and unless we can solve this problem I am afraid



[Mr. Hopkins] it will become less and less productive and less fertile.

Sir, I beg to support.

MR. MATHU: Might I ask a question, sir, in regard to that section dealing with soil conservation, No. 3? My question is, the Africans have asked us more than once to ask Government whether it would be possible to give them mechanical aid in the terracing of African lands. The hon. Member for Agriculture, in answer to a question I put the other day, suggested one difficulty, and that is the system of land tenure in African areas, small pieces of land for cultivation and so on. My question is, if the Africans would combine in a particular area to dissolve that difficulty of individual land holding so that a stretch of country can be terraced by machinery, would the hon. member consider a scheme by which the African soil conservation measures could be assisted mechanically in that way, as is done in the case of European areas?

MR. HAVELOCK: Mr. Chairman, on item No. 3, Coast Investigational Station, Matuga, I would like to ask one question. In the memorandum it says it will be paid for out of accumulated profits of the Coast Cotton Sales Fund. For reasons of convenience and uniformity the finance is being controlled by the Development and Reconstruction Authority, and in consequence the Authority's revenue estimates show a revenue item to cover this item of expenditure. I would be grateful if the hon. Financial Secretary could tell me where this item is—I cannot find it anywhere—£20,000 to cover the expenditure on this particular scheme.

MR. RANKINE: I can answer that question straight away. If the hon. member would look at page 10 of the revenue estimates, he will see "Contribution—Coast Experimental Station—Matuga" four-fifths of the way down the page.

MR. MOUSLEY: I want to support the hon. Member for Aberdare. Living in a similar area we do feel that we are very badly neglected by the Agricultural Department as regards grass research and grasses for our areas. I think I might say we do not exactly blame the Director of Agriculture, but we do blame the people who provide the finance, and I do not know who is to blame.

MR. RANKINE: Is the hon. member blaming himself, sir?

MR. MOUSLEY: I feel there is not enough money allocated for this very important department of agriculture. I do feel that grasses are one of the essential things in the country. As was stated by my hon. friend, the high altitudes are well looked after. I think if there are any research stations you generally find them in the high altitudes. I maintain it is very easy to establish grasses and do all you want to do in very fertile and wet land, but it is a far different matter when you have got to work very hard to establish and find a grass that will really do well in the dry areas, particularly in the areas such as round Machakos district, and various other areas of that description. I do feel that more money and more research stations, as far as grasses are concerned, should be established as soon as possible.

MR. GILLET: Mr. Chairman, in reply to the hon. Member for Aberdare and the hon. Member for Ukamba, I would like to give an assurance that we fully appreciate that pasture research work must rank as priority one in any future investigational and research programme conducted by my department. It is absolutely true that owing to lack of facilities and staff as yet we have only been able to scratch the back of this big problem, but I am hopeful now that funds will be made available for the establishment of at least three pasture research stations in three main ecological zones, one of which will be the zone mentioned by the hon. Member for Aberdare, the *Themedia triandala* or red oat grass zone. I am hoping if housing can be made available to be able to post a new pasture research officer, who is arriving early in February, to Naro Moru to commence preliminary investigations in that area.

On the question raised by the hon. Member for African Interests, Mr. Mathu, the answer is "Yes", provided the Africans themselves can go to the cost of the maintenance of mechanical units. It will be appreciated that in European areas the cost of the broad-base terracing in the first instance and the subsequent maintenance is paid for at cost to our department, and it is quite a substantial figure.

MR. PRESTON: Sub-head 3, Soil Conservation. I did raise this matter earlier on in the budget debate and I still feel very strongly on the question of desert and semi-arid areas encroaching into the surrounding countryside, and I would once again urge Government to consider the provision of barriers, not by following the well-known example of that character who built the Chinese wall, but by building natural barriers of bush and trees at points where it is considered these barriers will grow reasonably, to endeavour to stop a further advance.

The question was put and carried.

#### Head 5—Miscellaneous

MR. RANKINE moved: That Head 5, Miscellaneous, be approved.

MR. COOKE: Mr. Chairman, with regard to national parks, item No. 2, I would like to say how much I value the service of the Director of National Parks for the marvellous work he has done, but there is one small point. I do wish that the National Parks Ordinance was more efficiently applied, because there are certain sections in that Ordinance which have not been applied so far—for instance, the auditing of accounts of the National Parks. I do not think that has yet been done, whereas it should be done annually. It may seem a small point, but where so much money is involved—it is not casting aspersions on anyone—I think an audit should take place annually as laid down in the Ordinance.

MR. BLUNDELL: Item 2, National Parks. As I see the allocation for 1949 and the scheme value are on a level, nothing is allocated in 1950, and as in the ordinary recurrent budget which we have disposed of only £1,000 was shown for national parks, could I congratulate the hon. member for the economy in administering that department for 1950, and suggest that other departments should be brought down to the same low level? Could we have his ideas?

MR. RANKINE: The hon. member is quite right. There is no provision for 1950 in the Development and Reconstruction Authority estimates because the total funds available to the Development and Reconstruction Authority have now been made available to the parks and there is no more left.

MR. MACONOCHE-WELWOOD: Arising out of that, what therefore is going to happen to the staff of the parks and the works already constructed in the parks, which will require in every case maintenance?

MR. RANKINE: The answer to that is, I understand that the hon. member concerned has made an application to my hon. friend the Member for Finance for additional funds, and that the Standing Finance Committee is being asked to provide them.

MR. BLUNDELL: Will that not entail supplementary provision? I thought we had set our faces against it.

MR. RANKINE: That is for the Standing Finance Committee to decide.

The question was put and carried.

#### Head 6—Loans to Local Authorities

MR. RANKINE moved: That Head 6, Loans to Local Authorities, be approved.

The question was put and carried.

#### Head 7—Forest Department

MR. RANKINE moved: That Head 7, Forest Department, be approved.

The question was put and carried.

#### Head 8—Roads

MR. RANKINE: Mr. Chairman, with regard to Head 8, Roads, I had intended to move an amendment.

THE CHAIRMAN: They are both reductions so they will both be in order.

MR. RANKINE: One is a reduction and one is an addition.

THE CHAIRMAN: You cannot increase but you can reduce. As the two sums added together come to exactly the same thing, it is necessary to move an amendment? It would upset the printing.

MR. RANKINE: If that is so, I will let the head stay as it is. I beg to move that Head 8 be approved.

MR. COOKE: With regard to item 1 and sub-items, could we not have fuller details of the expenditure on the particular roads? If you look at Housing, Buildings, you will find each individual building is mentioned, and then we know where we are in regard to each individual

[Mr. Cooke] building, but we do not know that with regard to roads. We do not know how much has been spent on A Route, how much above or below the estimate, and it would be very valuable if we could get more details.

MR. RANKINE: My hon. friend the Special Commissioner for Works will give the details. I do agree with what the hon. Member for the Coast has said, and next year we will endeavour to have the details set out in the estimates.

The question was put and carried.

#### Head 9—Settlement

MR. RANKINE: Mr. Chairman, I beg to move: That Head 9, Settlement, items 1 to 34, be approved.

MR. HAMELOCK: I only want to make one comment on this. In the past I have been very critical of the reconditioning of African areas and settlement schemes. I merely want to comment, since reading the last report by the Commissioner for African Settlement, that it looks as if things are really being speeded up, and I wish to congratulate Government on the way in which they have gone ahead with it. But there is only one small suggestion I wish to make: one gets a very full report from the external department concerned and one gets almost a repetition in the quarterly report of the Development and Reconstruction Authority. Is it necessary to have both? Could we not save one report? The whole lot included in the Development and Reconstruction Authority would, I suggest, be sufficient, without wasting paper and time on another report.

MR. MATHU: Mr. Chairman, might I ask a question—whether reports from the African Settlement Board as referred to by the hon. Member for Kiambu in the future can give us the results in the form of tons produced in crops, number of livestock improved and things of that kind. The report is all right from the point of view of the mechanics of the whole show. From the economic position of the country point of view we would like to know what these mechanics have produced. Would they in their next report consider giving us a report of that kind, so that we can gauge the economic importance of these settlements

which have become successful from what I call the mechanics point of view.

MR. COOKE: I would like strongly to support that point of view. I do not agree with the hon. Member for Kiambu that there has been great progress. There has been the strongest criticism by one of the most objective critics ever to come to this country, Mr. Negley Farson. There was a good deal of objection to his criticism in certain quarters, but it was objective criticism. At any rate Mr. Negley Farson was an objective critic, and he has made rather scathing remarks about the hundreds of miles—tens of thousands of miles, I think it is—of terracing that goes on. But we have not really got down to the great major problem, and that is what we are to do with the one million Africans who must leave certain reserves on account of the erosion that has taken place there. There has been a lot of talk about Makueni Settlement, and I would like to know exactly how much it has cost. I think it is something like £100,000, counting every factor, and it has only settled about 100 families on the land. I think that is the sort of thing my hon. friend Mr. Mathu wants mentioned.

MAJOR CAVENDISH-BENTINCK: In reply to the hon. member Mr. Mathu I will certainly see what can be done to give him the types of figures he asks for, but I would like to tell him now that that type of statistics is very often the most misleading thing you can possibly have put on paper. What we are trying to give you is—

THE CHAIRMAN: Will the hon. Member kindly address his remarks this way please. It is very difficult to put them on record if you answer in the direction of the member.

MAJOR CAVENDISH-BENTINCK: The intention is to recondition certain African areas in order to enable the African population to go back. If you are going to tie that down to how much is produced per acre I do not believe you are achieving your objective.

There has been a criticism of Makueni on more than one occasion by my hon. friends opposite, who would like us to put more people into Makueni in order to be able to show precisely how many people have been accommodated with the

[Major Cavendish-Bentinck] money spent. Taking the long view, I venture to disagree with them entirely. The first thing we want to do about Makueni is to have it a model of the type of holding which we believe that sort of plan is adapted to and the type of farming that should take place in it. When we have got that done and established and seen by the other people, the people in the neighbourhood, then we can go ahead, and go ahead on sound lines without rushing it and trying to prove we have provided so many men at so much cost. These are long-term plans.

The hon. Member for the Coast, I believe, criticizes, and quotes Mr. Negley Farson, as to the amount of terracing we have done, and insinuates that that really is not tackling the problem at all, that the proper problem is to remove—I do not know how many he suggests—from a million to two million people. If he can tell me how that is going to be done by a stroke of the pen I would be very much obliged. At the same time we are trying to preserve some of the land. To criticize the terracing that has been done I think is very strange tactics. (Hear, hear.)

MR. RANKINE: Mr. Chairman, I do not know whether there are any other questions on that head. If there are not, with your leave—

THE CHAIRMAN: An hon. member was rising to continue the debate.

MR. RANKINE: In that case I beg to move: That the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

#### ADJOURNMENT

Council rose at 12.50 p.m. and adjourned till 9.30 a.m. on Wednesday, 25th January, 1950.

Wednesday, 25th January, 1950  
Council reassembled in the Memorial Hall, Nairobi, on Wednesday, 25th January, 1950.

The Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 24th January, 1950, were confirmed.

#### COMMITTEE OF SUPPLY

DRAFT ESTIMATES OF DEVELOPMENT AND RECONSTRUCTION AUTHORITY FOR 1950

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1950 of the Development and Reconstruction Authority.

#### Head 9—Settlement

THE HON. CHIEF SECRETARY had moved: That Items 1 to 34 of Head 9, Settlement, be approved.

MR. COOKE: Mr. Chairman, as the hon. Member for Agriculture is not in his place to-day, I will not bring up what I was going to yesterday but will reserve it for another occasion.

The question was put and carried.

MR. RANKINE moved: That items 35 to 41 be approved.

MR. BLUNDELL: On a point of information, I just want to say a few words on one item in the European Settlement Board vote. Would it best be said here, or shall we consider the appendix item by item?

THE CHAIRMAN: I do not suppose so. You can refer to the appendix to elaborate anything you say under item 38.

MR. BLUNDELL: I just wanted to draw the attention of the Committee to one change in the appendix, where the post of settlement officer is not this year included as I understand it is being abolished and the officer is retiring. I thought it would be the proper thing from this side of Council, especially on behalf of Europeans and Africans, to record our appreciation of that officer's work. (Hear, hear.) I think that many people, especially Europeans and Africans too, do not realize the enormous

[Mr. Blundell]

amount of work that Mr. Burton put in in initiating settlement schemes for both Europeans and Africans, and I think it is a proper thing, when we pass this vote, to take the opportunity of recording our appreciation of his services over a considerable number of years. (Hear, hear.)

The question was put and carried.

MR. RANKINE moved: That items 42 to 44 be approved.

DR. RANA: Mr. Chairman, on a point of information, I know what has been done by this Indian and Arab Settlement Board and the progress made. This item is quite superfluous and gives a wrong impression that something is being done, and if I am not satisfied with the information given me I shall move that items 42 to 44 be deleted so that the money can be spent on some other useful purpose.

MR. GILLETT: Mr. Chairman, I sincerely trust that the hon. member will not ask for these items to be deleted. Admittedly progress has been slow in this respect, but the board has now found an area of land of about 4,000 acres at Mt. Wapa Creek on the coast, where water supplies have proved to be very favourable and the soil chemist's report is also favourable. A meeting of the board is to be held at Mombasa on the 26th of this month to hear proposals for the settlement of Indians and Arabs on this area, and it is hoped that some definite pilot scheme will be commenced, which will undoubtedly give us valuable information for the future.

MR. COOKE: I think Government is to be congratulated on taking only fifty years to make up its mind, but, better late than never!

DR. RANA: I am glad that the hon. Director of Agriculture says this, but I am afraid that progress is slow for my community. This particular board is under the chairmanship of the hon. member Mr. Patel, and was created at our request by His Excellency some years ago, and progress is very slow indeed. I know of this scheme the hon. member referred to, but it will not satisfy my community. The Coast Development Committee has requested Government to allot some land at Mackinnon Road to people who at their own risk were prepared to keep cattle there, but nothing has been done in that direction, and

while we do not mind waiting for another year I do request Government to get something done. I am afraid, however, that the speed and attention paid to this item is very disheartening and very unsatisfactory, and I hope the hon. member will see that something practicable is done and if the vote is to be utilized people should be shown something in facts and not on paper only. With those few words, I do not intend to move the deletion of the items, but I hope something will be done soon.

The question was put and carried.

#### Head 10—Unallocated

On motion made by Mr. Rankine and question put, Head 10, Unallocated, was approved.

#### Head 11—Veterinary Services

MR. RANKINE moved: That items 1 to 25, Head 11, Veterinary Services, be approved.

MR. BLUNDELL: Item 1, sir, would the hon. Member tell me whether these livestock and animal husbandry centres will be definitely tied up with the crop industry centres, or whether it is the intention to set up joint animal centres diverse from the arable centres, with the result that we shall have to build establishments for two when they might have been put together?

MR. GILLETT: In the previous budget debate the Member for Agriculture did explain that there were difficulties in this respect, but I can give you his assurance that he is trying to do his utmost to link up the crop and animal husbandry stations.

MR. BLUNDELL: I would have liked an assurance not that he is doing his utmost but that it would be done, and I feel inclined to move the deletion of this item unless that is clearly agreed.

MR. MOUSLEY: Mr. Chairman, I see that under item 11 provision is made for de-flying at Emali. I do feel that this is a matter which has been very much neglected. It has been brought up time and again, and something asked to be done, but there is virtually nothing done as far as the public knows. We in that area are continually losing stock from fly brought up by the railway, and it is an absolute disgrace that farmers in that area, who are the largest milk producers

[Mr. Mousley]

in this country, should be put to that danger and nothing done to assist us. It has been going on for years. They talk about de-flying at Emali, I do not know what they did, but there was an entomologist stationed at Ulu for a few days, and he afterwards caught nineteen flies at Emali. Something should be done to relieve the farmers in that area of the fly danger.

MR. MATHU: Might I ask a question on item 1—Livestock Improvement and Animal Industry Centres? I notice in the memorandum that five new centres were started in 1949. May we know where they are?

MR. COOKE: Item 21—could the hon. Member inform us when the water will be laid on? We know good water has been found—when will it be piped to the town?

THE CHAIRMAN: We are not yet dealing with water supply. We are dealing with Head 11, items 1-25.

MR. GILLETT: In reply to the hon. Member for Ukamba, I will take the matter up with the Member for Agriculture. I am afraid I am not completely *au fait* with what has been going on in the fly areas, but I will take it up with the Member for Agriculture and see what can be done to improve the present position.

In reply to the hon. Member for African Interests, Mr. Mathu, I am afraid I am one short on the number of new breeding centres. There are five. One is at Nyeri, one is at Meru, one is at Mariakani and one is at Kabianga. I am one short, but will give him that information.

MR. RANKINE: I can supply the missing one. There are centres at Meru, Mariakani, Kisii, Kabianga and Nyeri.

MR. BLUNDELL: Mr. Chairman—

THE CHAIRMAN: How many times is the hon. member going to address us on the motion that Head 11, items 1-25 be approved?

MR. BLUNDELL: As I understand it there are twenty-five items and I could speak twenty-five times.

THE CHAIRMAN: Not unless you move a motion to omit or reduce an item, which will be then another proposition

other than the proposition before the Committee at the moment.

MR. BLUNDELL: May I move a motion?

THE CHAIRMAN: Certainly.

MR. BLUNDELL: I move that item 1 be reduced by £100.

THE CHAIRMAN: Now you can speak to that.

MR. BLUNDELL: I want to emphasize in moving this motion that these livestock improvement and animal industry centres must be tied up with the agricultural ones. Now if there were five new centres last year I would like the Director of Agriculture to tell me whether, for instance, at Kisii or at Nyeri those animal industry centres were tied up with arable and agricultural centres on the same spot or whether they are entirely new places.

THE CHAIRMAN: It is proposed that the vote be reduced by £100 in respect of item 1.

MR. GILLETT: Mr. Chairman, in reply to my hon. friend the Member for Rift Valley, I will first of all point out that this item is an agricultural welfare scheme, and the expenditure has already been approved by this Council. As regards the assurance that my hon. friend asked for Kisii is being definitely developed as a crop and animal husbandry centre. The new livestock centre is next door to the old existing Kisii Agricultural Department farm, and we are bringing the two into line. The same I hope will apply to Nyeri if and when a suitable site can be obtained. The same will happen at Kabianga. At Meru I doubt very much if it will be possible, owing to difficulties of getting suitable land in that district, and Mariakani, of course, is much more of a stock area than it is an agricultural area.

MR. BLUNDELL: In the light of the hon. member's reply I wish to withdraw my motion.

THE CHAIRMAN: Evidently you have the leave of the Committee. (Laughter.)

MR. COOKE: On a point of order, I would point out that if the hon. member had replied there would have been no necessity for the motion.

MR. BLUNDELL: May I move a motion on item 3?

[Mr. Blundell]

I move that the sum of £5,000 be reduced by £1,000. In speaking to the motion, would the hon. member tell me where the animal health and improvement centres are in the settled areas and whether they are tied up with existing agricultural centres, or are about to be tied up?

THE CHAIRMAN: While it is quite right that the raising of grievances should take place in Supply, I do not see how the Committee is to be turned into question time over again. I shall disallow the motion. It seems a waste of time to put up a motion when the information could be obtained by asking for it any time.

MR. BLUNDELL: On a point of order—

THE CHAIRMAN: I shall not propose the motion.

MR. COOKE: Is a member not permitted to rise on a point of order?

THE CHAIRMAN: He may rise on a point of order if he will tell me what it is.

MR. BLUNDELL: I want to ask if I would be in order in moving the deletion of the whole item.

THE CHAIRMAN: You must make up your mind what you are going to do before coming into Committee. It is a question of tactics on your own part. It is not a question of order at all. If no other member is wishing to move anything I shall put the question on the main motion.

The question that Head 11, items 1 to 25 be approved was put and carried on a division by 19 votes to 14: Ayes—Messrs. Anderson, Chemallan, Davies, Deverell, Gillett, Hope-Jones, Hyde-Clarke, Jeremiaah, Matthews, Mathu, Mortimer, O'Connor, Ohanga, Padley, Patrick, Pike, Rankine, Rhodes, Thornley, 19; Noes—Messrs. Blundell, Cooke, Erskine, Havelock, Hopkins, Keyser, Maconochie-Welwood, Madan, Mouisley, Patel, Preston, Pritam, Rana, Vasey, 14.

MAJOR KEYSER: Mr. Chairman, may I ask, sir, what the procedure is now, because I am very vague about it? The practice all through this Committee of Supply, I thought, had been that if we were not satisfied or our knowledge was

not sufficient of a particular subject we could ask a question about it until we were satisfied. There are hundreds of items in this particular Development and Reconstruction Authority vote that I know nothing about, and if I were to have elicited the information first by putting in a question in the normal way I think we would have had to put in some thousands of questions to get it. I did understand if we wanted information on some particular point we could have got it in this Committee of Supply. I do think it would help us very much if we were allowed to do that.

THE CHAIRMAN: Personally I cannot see myself that it is necessary to move a motion to reduce an item and then withdraw it simply for the sake of getting information. That is what I ruled out of order, but I see now that I should not have ruled it out of order—I should have put the question to the Committee to decide without debate whether such an amendment should be allowed.

MR. HAVELOCK: The reason why the hon. Member for Rift Valley moved the motion was merely to obtain permission to speak in order to obtain information.

THE CHAIRMAN: That seemed to me—I may be wrong—to be simply holding up the work of the Committee.

MR. COOKE: If the hon. member had answered the question at first there would be no need for the motion to be moved. It is not our side of the Council that is wasting time.

THE CHAIRMAN: We will proceed to the next vote.

#### Head 12—Water Supplies

MR. RANKINE: Mr. Chairman, I beg to move that Head 12, Water Supplies, be approved.

MR. COOKE: I would like to ask for details concerning Malindi water supply—when is the water to be laid on to the town? I know the water has been obtained.

SIR GODFREY RHODES: The position is that certain boreholes have been sunk and water has been found. The preparation of the scheme is now in hand, and as soon as that is ready work will be started.

MR. COOKE: Have the pipes been obtained?

SIR GODFREY RHODES: Piping is coming into the country now in ever-increasing quantities, and we hope to have sufficient to enable us to carry out that project. Planning for the scheme could not be carried out exactly until we knew what quantity of water was coming in.

MR. HAVELOCK: Mr. Chairman, in speaking on the policy debate, I did ask Government whether they would consider trying to use private enterprise money in developing water supplies, especially for townships. Would it be possible at this stage of the debate for Government to give me any reply.

MR. RANKINE: So far as I know there is no private enterprise which is prepared to supply water for townships, but if there is I would be glad to consider it.

MR. HAVELOCK: I will give the information to the hon. Member, sir.

THE CHAIRMAN: If we are going to have this cross-questioning arrangement it will be a breach of the rule that a member should only speak once to each proposition before Council. This is not an informal committee—it is Committee of Supply, and must be conducted under sub-rule (vii) of Standing Order 43, which Council has passed.

MR. VASEY: Mr. Chairman, if that is to be the ruling might I suggest, in order to give us a little more opportunity of asking questions, that the heads should be moved either item by item as last year, when we were able to get information—which I think will delay the work of the Committee—or moved in smaller groups?

THE CHAIRMAN: Why does not the hon. member himself, if he wishes to restrict it, move an amendment to the motion before the Committee? Surely it is possible to move, on a motion that the whole head be approved, that the words "the whole Head" be left out, and the words "items 1 to 9" or "items 1 to 5" or anything you like be inserted.

MR. VASEY: If I may speak again, sir, on this point of order, the position I think is this. As on the Veterinary vote, we members on this side of the Council were compelled to move a motion and amendments and vote in a manner which we had no intention of doing. What we are trying to arrive at is a means which will get us the information we seek with-

out having to appear to express a disapproval we certainly do not feel.

THE CHAIRMAN: Perhaps the hon. member in charge will withdraw the motion that the whole Head be approved and propose some other motion.

On this point of order I would like to say that if we are proposing to follow some sort of practice similar to Southern Rhodesia, we are not doing it at all. What happens, as far as I can see from the Southern Rhodesia Hansard, is that the Head is laid before the Committee by the Chairman and members speak to the whole Head somewhat indiscriminately, and then later on someone on the Government side replies to the points that have been raised. Perhaps a few more points may be raised afterwards, and the debate on that motion peters out and the question is put. I cannot see why we were under any difficulties here about tackling items or anything else on a motion relating to the whole Head.

MR. VASEY: Mr. Chairman, is it not a fact that in Southern Rhodesia it is as you have said—nobody puts a motion, whereas with the method we have adopted a motion is put immediately.

THE CHAIRMAN: The Chairman puts the Head before, but later on he has to put that the Committee agree with the Head. It is up to members to move their amendments—there must be a motion before the Committee. When I say the Chairman lays the vote before the Committee he must himself really move it, because there can be no discussion without a motion.

The motion still stands before the Committee that Head 12, items 1 to 46 be approved.

The question was put and carried.

#### Head 13—Buildings

MR. RANKINE: Mr. Chairman, I beg to move: That Head 13, Buildings, items 1 to 115 be approved.

MR. PATEL: Mr. Chairman, I beg to move an amendment to this Head 13, that items 8 to 34 inclusive be deleted.

My reason for moving this motion is to enter into a debate on the expenditure on education buildings, and the way in which money has been spent so far. I have very strong criticisms to make of the whole method and manner in which

(Mr. Patel) this expenditure has been carried out, and the expenditure which is proposed for this year. The speech which the hon. Member for Development made yesterday gave in my view not only an incomplete picture but a very distorted picture, a picture which will give to an outsider a very false impression about the whole position in this matter. I think those facts and information did not do justice to the correct position as it is.

I made a little research, Mr. Chairman, last night for the purpose of giving the correct picture in this matter. Firstly, I would refer to the recommendations of the sub-committee for the education building programme which was appointed by the Development Committee.

I wish to claim thirty minutes, sir.

THE CHAIRMAN: With great respect, can you claim thirty minutes on this particular Head of the Development and Reconstruction Authority, when we have had a main debate?

MR. PATEL: If it is not possible, I will give the necessary figures within a short speech.

The sub-committee voted £665,000 for European education buildings and £612,500 for Indian education buildings, which is a difference of about £50,000 only in favour of the European building programme. Then the main Development Committee, while considering the recommendations of the sub-committee, raised the European amount to £670,700, and the Indian amount was raised to £636,500, leaving a difference of less than £50,000 as far as the Development Committee recommendations were concerned.

I have gone through all the Development and Reconstruction Authority estimates from 1946 to date and worked out figures, because the hon. Member did not give figures in reply to the hon. member Mr. Nathoo. The amount already spent and proposed to be spent for this year for the European building programme is over £14 million, and for the Indian building programme about £800,000, making a difference of over £700,000. The original difference was about £50,000, then less than £50,000 and now it is more than £700,000 between the two building programmes. The amount already spent, as I have worked out, on the European building pro-

gramme so far is over £900,000 and for the Indian building programme it is less than £375,000, according to my calculation.

Mr. Chairman, if I have made even a small error I will immediately retract and correct my figures; if I have made substantial errors I will tender an apology publicly for doing so. I have worked out the figures carefully. The last figures of the amounts spent so far are merely estimated from the amounts which are given there. I was most surprised when yesterday the figures were given for the amounts spent on the various buildings. One very surprising thing is that in 1946 the schools which were on the list for the first year programme were the European Girls High School, Nairobi; Prince of Wales School, Kabete; Indian Girls School, Nairobi; Indian Primary School, Nairobi; Indian School, Nakuru; Indian Primary School, Mombasa; African School, Kakamega; Central European School, Eldoret. But in the case of the European Girls High School the first year the amount voted for the scheme was £200,000, then it was raised the next year to £400,000, then it was raised to £683,000. In Nairobi, where the major portion of the Indian population is living and where there are 4,000 Indian children without proper accommodation, their school was proposed in 1946 and has not yet been commenced, except perhaps that the foundations are dug. The amount proposed for that school has been carried forward from year to year without commencing building in Nairobi.

MR. RANKINE: Mr. Chairman, the figures which I gave yesterday did not refer to money which had been spent. They were in respect of money which is to be spent which is in the 1950 estimates.

MR. PATEL: Yes—even that, Mr. Chairman, does not amount to more than £800,000 in the case of Indians, and the schools which have been built are schools like Fort Hall and Thika, etc. so that it was only necessary for a few thousand pounds to be spent on each of such schools. We were given the figure of so many Indian schools being built. In Mombasa, because at my request they put up a two-storied building, it is said to be "two schools for Indians" there. The foundations have been dug for another building, and it will be called

(Mr. Patel) again "two schools for Indians in Mombasa" as that will also be a two-storied building. That is how the four schools will arise. The amount for one Mombasa primary school which was voted in 1946 has been carried forward from year to year so far, with some amount spent on paying private architects for drawing the plans.

These are the figures which I have worked out, and that is the correct position. The whole position is that the scheme so far has not been carried out in fairness to the Indian community. The four schools in Mombasa will cost about £119,000; that is to say, less than £30,000 will be spent per school. It will be easily seen in the draft estimates of the Development and Reconstruction Authority how the figures are given for each school and all the Indian schools are mentioned in the 1950 estimates whether they are being built or not. Because none is not completed, all of them are mentioned. In the case of European schools two are omitted because they have been completed. I have gone through these figures in this connexion.

Yesterday the hon. Member for Development said that the Indians pay less school fees. If you look at the revenue side you see that about £20,000 is the sum paid by Indians more than Europeans as school fees, the fees from Europeans being £48,000 and for Indian children £68,000. If you take the total amount of fees contributed by Indian students, the difference in the total expenditure on the European and Indian building programmes of more than £700,000 is unjustified. If you take the per capita fees paid, then, of course, the European child pays more. But you should not forget that there are over 20,000 Indian children to be accommodated, while in the case of European children there are far less.

It astounded me when the hon. Member said that because Indians were paying less fees less could be spent on their schools. In capital expenditure for the buildings you should take the total amount to be spent in the same way as you should take the total amount of fees contributable by the Indian community which is more than is done by European children. I am sorry to make this comparison, but I have to make it in order

to prove my case. In reply, perhaps the boarding charges paid by European students may be mentioned. The revenue from boarding fees for Europeans is about £115,000, and expenditure £120,000, while in the case of boarders it should be self-supporting. I referred to tuition fees, and those paid by Indian students are £20,000 more than those paid by European students.

Yesterday the hon. Member for Development said that the plans for the Kenya Girls High School were drawn before he took charge, and therefore he instructed that the buildings should proceed. In the case of the Mombasa Indian Primary School the plans were drawn by private architects to whom the fees were paid. The contractors tendered £98,000 and the amount voted originally was £60,000, therefore Government had to scrap those plans and prepare other plans for a simple building, which will cost now about £60,000 for a two-storied building.

These facts, Mr. Chairman, will show the reasons why I say that yesterday's speech of the hon. member gave a completely distorted picture—an incomplete picture—in regard to this matter: If I had had time I would have convinced this Council that there is a great injustice done to the Indian community.

THE CHAIRMAN: I should like to invite the attention of all members to rule 43 d (2) of these amendments which you have before you: "Should any amendment be proposed which in the opinion of the Chairman is submitted merely for the purpose of raising debate, and thus affecting Standing Orders, he may forthwith put the question to the committee, to be decided without debate, whether such amendment shall be allowed". I agree that I was wrong in not putting the motion of the hon. Member for Rift Valley in the way that I propose to do now, but I propose to put it to the Committee whether this proposed amendment shall be allowed.

The question was put and carried that the amendment be allowed.

MR. THORNLEY: Mr. Chairman, I may be very simple, but I do not personally understand the sense of this. The hon. Member for Eastern Area, Mr. Patel, will excuse me if I seem to be accusing him of lack of sense, but it does

[Mr. Thornley]

not seem to be sensible, while complaining that—insufficient school buildings have been erected for any particular community, to propose a motion in this Council that all the plans for getting on with these school buildings should be cut out of the estimates. I personally feel that the right attitude on this side of Council would be not to agree to a motion of that kind, because it does not seem to make any sense. We are very short of funds anyhow, and hon. members opposite have said during the course of the debates on these estimates that they would like to see very much more money allocated for such subjects as agricultural research and veterinary research, and if the hon. Member for Eastern Area agrees that this money here could be better devoted to other heads, well, it comes as a surprise.

It has been said in this Council time and again, and I have personally explained, that we on this side have regretted just as much as hon. members opposite that there have been delays in getting on with the building programme proposed in the Development Committee recommendations. It has been explained also in this Council more than once that there have been perfectly sound reasons for these delays. It has not stopped us regretting them; we have regretted them, but there have been practical difficulties in getting on with this programme of building Indian schools. Those difficulties have existed and have been real difficulties. No arrangements as to whether so much money should be put into such a school, or so much into any other school, could have overridden them because they were practical difficulties. It happens that in this country a very great number of the Asian children wishing to attend schools are concentrated in the main towns. In those main towns, as the hon. member knows perfectly well, there have been very considerable difficulties in getting sites on which to build the schools, difficulties which have not faced us in the same way when we have sought to build schools outside, either in the smaller townships or near the smaller townships, or in the rural areas. Those have been practical difficulties which we have done our utmost to overcome, and I tried to explain to the hon. member yesterday that during the last 12 months we have

not been unsuccessful in our efforts to overcome those difficulties.

I maintained, and I repeat to-day, that I think that the progress made in the last 12 months, since a very acrid debate which took place in this Council Chamber in my absence 12 months ago, is evidence of a genuine earnest on the part of those of us who are concerned on this side of Council to get on with this programme, and I personally resent very strongly any suggestion—and I cannot help seeing that underlining the remarks which have been made by the hon. member—that for some obscure reason we are not anxious to get on with this programme. We have got on with it during the last 12 months very well, and if the hon. member is prepared to let this estimates go through, I hope very much that we shall get on better during the next 12 months.

Further practical difficulties which have occurred, and the hon. member knows this also perfectly well, have been in negotiating for the work to be done in Nairobi. The negotiations with the contractors took very much longer than was thought would be the case some months ago, and that has been another practical difficulty which has prevented these schools being built at a quicker tempo. The intention behind these estimates is, I would repeat, to get on with the work, if funds are provided, but if the hon. member does not want the funds provided, perhaps he will repeat it and will vote in support of his motion. I do not know what other hon. members on the other side of Council feel about it, but I must say that, in spite of the feelings that I mentioned earlier on in this speech, I feel that, in the very difficult circumstances created by the ever-increasing Asian population, the need for education for Asian children is such that I personally shall oppose his motion, and oppose it very strongly.

I do not think it is going to be to anybody's advantage to enter now into an analysis of fees paid by the different races in the different schools. There will be ample opportunity in the very near future for all these matters to be debated in this Council. Indeed, they will have to be debated when we are getting our educational plans clear for the future, in the light of the recommendations which have been made to us in the various reports

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which have been laid on the table of the Council. I do not want in any way to prejudice the discussions which will take place on those reports and the recommendations which are in them, and therefore I do not propose now to enter into a discussion on the merits or demerits of the present fees paid in Asian, European or African schools. I would repeat that there is an earnest desire on this side of Council to get on with this building programme. We know there have been delays. As I have told the hon. member, I have regretted them, so has the hon. Member for Development, just as much as he has, but that does not mean that we have not done the best we can to get on with this programme. Here it is still in the estimates, and we are going to push on as fast as we can to complete it.

Mr. Chairman. I beg to oppose the motion before the Committee.

MR. MATHU: Mr. Chairman, I must rise early on in this motion because I want to make sure that items 33 and 34 will not come into it. In case they do I should like to move an amendment that items 33 and 34 be excluded from the motion moved by the hon. member, if I am in order, sir, because, speaking to my amendment...

MR. PATEL: I accept that amendment.

MR. MATHU: If the amendment is accepted I need not say very much more, but may I say that the reason why I move the amendment is because personally I voted against the Development Committee Report when it came up before Council, because I was not satisfied that the provision for African education was fair, and up to now we have been working hard to impress upon Government that we want better provisions for African education. But I do not think this is a time for us African members of this Council to hinder something being done under items 33 and 34, because we shall definitely be given the opportunity in the debate on the Beecher Committee report to express our dissatisfaction with the whole of this educational building programme, but not now. Therefore I move that items 33 and 34 be not included in the motion.

MR. MATTHEWS: Mr. Chairman, I beg to move that items 8 to 15 be not included in the motion, the reasons being

very similar to those given by the hon. member Mr. Mathu in moving the amendment he has just moved. (Laughter.)

THE CHAIRMAN: When I accepted the motion, after Council had decided that they would debate it, I had no intention whatever of departing from Standing Orders and putting 8 to 34 in one block. I shall eventually, if the debate shows any signs of doing it, put first 8, then 9, then 10, and so on, because there must be separate amounts, as far as I understand this rule 43 (6), and when it comes to any particular item those members who do not want it deleted will, of course, vote against it.

MR. COOKE: May I speak on the amendment now, sir?

THE CHAIRMAN: There is no amendment proposed. I am not going to put 8 to 34 in a lump, because I consider that if I do I shall be committing a breach of this particular order. In Committee of Supply I have got to have a definite amount of money.

MR. COOKE: Is the hon. Member Mr. Patel's original amendment ruled out of order?

THE CHAIRMAN: It is not ruled out of order to debate it because the Committee itself decided to debate it.

MR. COOKE: May I speak on that now, sir?

THE CHAIRMAN: You may.

MR. COOKE: My difficulty is this, and I am going to accuse the hon. gentleman on the other side of a certain lack of candour. So far as I could make out, the charge that my hon. friend Mr. Patel brought was that priority had been given to one of the unscheduled buildings and that a scheduled building—that is an Indian school—had not been carried out. What I should like to know is this. I give the hon. member, if I may say so, the highest credit for the fact that the Duke of York School was built, and I think it was a magnificent gesture the way they overcame every difficulty and built that school. What I should like to know is why those difficulties were not overcome with regard to the Indian school. It ties up entirely with my charge of lack of urgency and lack of immediacy on the part of the Development and Recon-

[Mr. Cooke] struction Authority. Why do they not show the same sense of urgency, the same ability to get a move on, as they showed with regard to the Duke of York School? That is a matter which struck me, and I should like a reply to it.

MR. RANKINE: Mr. Chairman, the hon. Member for Eastern Area accused me of being both inaccurate and misleading in the information I gave him yesterday. I deny that, and what is more I would defy him to challenge a single statement that I made yesterday, or to refute a single fact that I gave. The information which I gave was wholly accurate and I stand by it.

Now as regards the suggestion that we have done more for European education than for Indian education, I have admitted that it is true that Government has spent more on European education, but the facts I gave yesterday, as I have said, are correct, and they show that we have in fact both provided more schools and more places for Indians, and I challenge the hon. member to deny it.

MR. PATEL: My figures about the amount spent so far are correct—£900,000 for Europeans and £350,000 for Indians; while the original Development Report showed a difference of hardly £150,000 between the two.

MR. RANKINE: I have made no secret of the fact that we have spent more on European education.

The hon. Member for the Coast has said that the Development and Reconstruction Authority has not given the same sense of urgency. Again, I would deny that. The Development Committee Report envisaged a programme spread over ten years, and we have in fact in four years carried out more than four-tenths of that programme. Nobody can deny that. As regards the Duke of York School, I do agree that we made a very special case of that and built that school in a very short time, but, as everybody knows, it displaced nearly all our other projects in order to do it, and what is more, the decision to do it was a decision of Government. It was a decision of Government that an additional school, which as the hon. member has quite rightly pointed out, was not in the original schedule, should be added, and the reason which my hon. friend has already

given is that it was necessary to comply with the terms of compulsory education. Government had no alternative. It either had to repeal those provisions or had to provide the places. As I have said, even with that school I still do not think that it is correct to say that Government has provided more in the way of schools for Europeans than for Asians.

I very much regret the turn this debate has taken and that it should be represented that these estimates reflect racial discrimination. Let me give another example. A great deal has been said about the Kenya Girls High School. At the moment it is rather significant that there are three secondary schools for girls just about to be opened. One is the Kenya Girls High School for Europeans, another is the Indian Girls School in Nairobi for Indians, and there is the school at Kikuyu for Africans. They are all on the eve of being opened at approximately the same time. The school for Indians is finished. It is, I suggest, a very fine building; it has one other very significant feature, and that is a very fine hall. In order to try and effect economies the hall of the Kenya Girls High School was omitted and is not being built. There is another feature about the Kenya Girls High School. A great many criticisms have been made to the effect that the school is costing so much, Government is accused of extravagance, and the hon. member did make a very good point, I admit, when he said that plans for the school in Mombasa had to be scrapped because they were too expensive. That is quite correct, but as a result of scrapping those plans we have been able to provide much more accommodation for Indians.

The hon. member went on to say it was misleading to suggest that we were building four schools when in fact we are building two. He said that they may be double-storied but were not two schools. As he knows, they are double-storied and are, in fact, each of them two schools. It was his own suggestion in order to get over site difficulties and the finding of additional sites that we are building two schools; one on top of the other. They are not merely two double-storied schools but two double schools.

With regard to the Kenya Girls High School, it is correct that we could have scrapped the plans and started again, but

[Mr. Rankine] in moving the 1948 estimates I gave in the clearest possible terms to this Council a warning that that school was going to cost a figure in the region of what it is actually going to cost, and at that time there was not the slightest suggestion of extravagance or of further delay. The whole of this Council was unanimous in the view that there should be no further delay and that we should go ahead on the approved plans. Therefore, for any hon. member to suggest now in this Council that we were wrong to do so is merely being wise after the event, and I suggest that the proper time for him to have raised objections to the cost was at that time. It is all very well to urge Government to go ahead and do something and then kick it when it has done it. I would agree that it is a fact, I admitted many times, that we are spending more money on European education, but it is misleading to suggest, as the hon. member Mr. Patel did, that I gave as a reason for doing that the fact that the fees are higher. I did not. I merely said that when you come to consider the fees, the expenditure on the various communities does not appear so disproportionate.

Sir, I beg to oppose.

THE CHAIRMAN: I will put the question.

MR. PATEL: Have I the right of reply?

DR. RANA: I would like to speak. Mr. Chairman, I think the atmosphere in this Chamber is becoming, as the hon. Chief Secretary said, a bit hot, and after hearing what has been said by the hon. mover, the hon. member Mr. Mathu and the hon. Financial Secretary I would request my colleague to withdraw his motion. In order to get the atmosphere cooler I request him to do so.

MR. PATEL: My main purpose was to show that injustice had been done to the Indian community. While I do not want to take the motion to a division and will withdraw it, at the same time I reserve my right to vote against the whole of the Head.

THE CHAIRMAN: Does any other member wish to speak on this Head who has not already spoken?

MR. PATEL: —

THE CHAIRMAN: You have already spoken. You must be taken as having

spoken to the main motion and would up by withdrawing your amendment. I will put the question, that Head 13 be approved.

The question was put and carried.

#### Head 14—Education Department

On motion made by Mr. Rankine and question put, Head 14, Education Department, was put and carried.

#### REPORT STAGE

MR. RANKINE MOVED: That the Committee rise and report back to Council.

Council resumed.

MR. RANKINE reported that the Committee of Supply had considered and passed without amendment the following Heads of the Draft Estimates of Expenditure of the Colony and Protectorate of Kenya for 1950—Heads 1, 1A, 2, 3, 3A, 4, 4A, 6, 7, 8, 8A, 9, 9A, 10, 10A, 11, 11A, 12, 12A, 13, 14, 14A, 15, 16, 16A, 17, 17A, 18, 19, 20, 21, 21A, 22, 23A, 24A, 25, 25A, 26, 26A, 27, 27A, 28, 28A, 29, 30, 30A, 31, 31A, 32, 33, 33A, 34, 34A, 35, 35A, 36, 37, 37A, 38, 38A, 39, 39A, 40, 41, 42, 43, 43A, 44A, 45, 45A, 46 and 46A, and the following Heads with amendments—Heads 5, 23, 24, 44, Part B and Part C; and that the Committee had considered and passed without amendment the following Heads of the Draft Estimates of Expenditure of the Development and Reconstruction Authority for 1950—Heads 1 to 14.

MR. BLANDELL: On a point of order, was there not an amendment to Head 44?

MR. RANKINE: Yes, I reported that.

THE SPEAKER: At this stage we have no actual standing order governing the matter, and what might be called the usual parliamentary practice will apply and the report should be considered on a future date unless the Council authorizes the report to be brought up at once. When it is brought up if you so authorize it, I think the proper thing would be for Government to introduce a motion that the report be now considered, and if there are no amendments to be made it will move that the estimates of expenditure be adopted.

MR. RANKINE: Mr. Speaker, as we have gone through these estimates with great care, I assume there will be no

[Mr. Rankine] debate, and therefore with your leave beg to move that the report be adopted.

MR. O'CONNOR seconded.

THE SPEAKER: Is Council agreeable to considering that motion? I shall put the question, that the report on the estimates of expenditure be now adopted.

MAJOR KEYSER: Mr. Speaker, I beg to move: That the total amount of expenditure for 1950 be reduced by £30,000.

Sir, during the debate in Committee of Supply, members on this side of Council did express views on—

THE SPEAKER: Before we proceed, I should like to point out that I cannot very well accept a general motion in that form. It must be directed to a particular Head, to reduce the Head, or one or more Heads if you like, but they will be separate motions. May I make my position quite clear? We have a complete list of heads somewhere under the expenditure summary, and you can move to reduce any one of these by a fixed amount.

MAJOR KEYSER: May I say I did take the total of the heads that we wanted to reduce and it came to £30,000. In order to readjust the thing can we have an adjournment now; it is nearly time?

Council adjourned at 10.45 a.m. and resumed at 11.15 a.m.

MAJOR KEYSER: Mr. Speaker, I beg to move: That the total of Head 4, Secretariat, be reduced by £9,000.

During the debate in the Committee of Supply...

THE SPEAKER: I want to say this at this stage, that Council did agree, I take it, that the report from the Committee of Supply should be considered to-day, but it is to be noted that there are other matters on the order paper which Council really should take to-day. Is that clear? Possibly it would be better for the report of the Committee of Supply to be brought up at a later date, in order to go on with the work on the order paper.

MAJOR KEYSER: I am in your hands, Sir, I would agree to that, provided it does not preclude us from bringing this up at a later date.

THE SPEAKER: Oh yes, that is so. As you all agreed that the report should be brought up to-day, perhaps somebody

will move that it be considered on, let us say, Friday or another day?

MR. RANKINE: I did move that it should be considered to-day because I assumed quite naturally, I thought that there would be no debate, the estimates having gone through the Committee of Supply. But if there is to be a debate I beg to move that the report be considered on Friday.

MAJOR KEYSER seconded.

The question was put and carried.

#### ACCOUNTS OF THE COLONY, 1948

MR. VASEY: Mr. Speaker, I beg to move: That the report of the Director of Audit on the accounts of the Colony and Protectorate of Kenya for 1948 be referred to the Public Accounts Committee.

This report has already been laid on the table of Legislative Council, printed copies will soon be available for all members, and that the report should be referred to the Public Account Committee is, I think, the practice of the Council. I beg to move.

MR. MATTHEWS seconded.

The question was put and carried.

#### EUROPEAN HOSPITAL AUTHORITY REPORT

##### SELECT COMMITTEE REPORT

MR. VASEY: Mr. Speaker, I beg to move: That the select committee report on the Report of the European Hospital Authority covering the period 1946 to 1948 be adopted.

Your committee was appointed as a result of a report of the European Hospital Authority, which underlined, particularly in paragraph 21 of that report, the difficulties in which that Authority found itself. We took evidence, and in Appendix 2 of the report there will be seen the list of bodies and institutions from whom we got both written and oral evidence. Every hospital board in the Colony was invited to give evidence, either in writing or orally, and most of those boards responded. Your committee toured the main centres and took evidence from the people of the local management boards, or from local government authorities in that area.

The position which your committee found was one of deteriorating finance.

[Mr. Vasey] and your committee came to the conclusion that this had been caused by two main factors, factors which it is very easy to be wise about after the event, but which were agreed to by members of this Council at the time of the institution of the Hospital Authority scheme. They were the fact that the Authority had committed itself to a fixed rate of assistance to the patient of 15/- per day, or to the provision of hospital accommodation at 5/- per day. That was in effect saying that, although they might only collect 4d and four contributors existed, they were prepared to undertake to give three halfpence to each of those contributors; and the obvious answer to that sum is that they would find themselves tuppence short, and that indeed is what did happen.

The other point that had been the cause of the deteriorating finance was the liability they had undertaken for capital expenditure. We found, too, that the principle had been established of a central fund without local and district responsibility, as a result of which we found all groups clamouring for expenditure and finance without actual responsibility. The Hospital Authority was not alone in the position that arises where the expenditure people have no responsibility in regard to the raising of revenue. If I might quote to the Council some details of the position in which the English authorities have found themselves, and I quote from *The Times*, this is Mr. Bevan in the House of Commons, as quoted in *The Times*: "This seems to indicate that more money may eventually be forthcoming. Meantime the Government are plainly in a dilemma. The old restraints on extravagant spending—the necessity to raise money and the limitations of the budgets of the former owning authorities—have gone. In the absence of a modern system of hospital accounts, there is now no methods of assessing whether hospitals are in fact being run extravagantly. The evidence recently given before the Select Committee on Estimates shows very plainly that serious inroads have in consequence already been made into the original conceptions which governed the passage of the National Health Service Bill through Parliament". And further down: "On the other hand, no one has any means of knowing whether or not the millions of Exchequer

money are being wasted or not, and on the other the whole structure of independence of the hospital management committees is being rapidly undermined. The hospital service is being transformed day by day into a centralized bureaucracy of the kind nobody ever wanted".

I quote that because that is an explanation of the position we found and the steps we have had to recommend: "The hospital service represents a notable innovation in social affairs. In it financial and managerial responsibility are divorced. The provision of funds is centralized, so that all hospitals can enjoy financial security, while management is entrusted to local committees, co-ordinated by regional boards, in order to preserve that flexibility and local touch essential for the welfare of patients and the professional freedom of doctors".

Finally, and this perhaps is the most apposite quotation: "The present make-shift methods were perhaps inevitable in the initial stages of a great social experiment. Their continuance may well wreck an experiment in the delegated management of a State service which was launched with the highest hopes".

That was the position in England, and we found that position had been brought about in this country, in so far as the European Hospital Authority was concerned, through the provision of revenue from the central fund to local authorities, who had no financial responsibility but were mainly spending agents. Your committee realized this danger, and one of its first tasks therefore was to retrace the steps that had been taken. The first one was with regard to capital expenditure. In paragraph 7 of the Mundy Report, as hon. members will see, the statement was made that the interest and sinking fund charges on loans of this character, loans to build hospitals, should not impose too great a strain on the fund. Of course that paragraph, as members will see if they study it, was based to some extent on the belief that hospitals and maternity services would fall within the scope of the Colonial Development and Welfare Act of 1940, which of course did not apply to European hospitals. In consequence, the statement made in the last sentence was unfortunately not realized. sentence was unfortunately not realized, and your committee found at a fairly early stage in its investigations that the burden of capital expenditure was indeed too much for the Authority.



[Mr. Vasey]

In paragraph 12 of the report we are now considering there appears the following, and I feel that I cannot put the position in better words than the report itself:

"We had to bear in mind the reason for the institution of a scheme of this kind which covered the European community only. After investigation we believe that the initiation of the European Hospital Services Scheme was due to a desire on the part of the European community to gain a standard of hospital treatment and a social service in that respect beyond the capacity of the general revenue to provide for all races, and for this reason the European community accepted the additional financial burden. We have had to recognize that those laws of finance which can be applied to social services in a homogeneous community cannot always be adhered to in this Colony at the present stage of social and economic development; otherwise, in the opinion of some members of the Committee, the progress of social schemes of this kind might in the case of the more advanced communities be delayed beyond the time when those communities are ready to accept such responsibilities. Those members believe that such delay should be avoided, not only in the interests of any community which has reached the point where it is prepared to accept such schemes with their accompanying financial and moral obligations, but also because any achievement of progress by the part must tend to inspire the whole to greater effort."

We therefore came to the conclusion that capital expenditure and benefit to the contributor must be separated at a very early stage, in order that the insurance side—that is, the benefit to the contributor—should be developed without too great a hindrance and without placing an impossible burden on the shoulders of the individual and the community. On page 4 we arrive at the first recommendation, which is "that a hospital treatment relief fund be established to provide relief against expenditure actually incurred by the contributor or his dependants in respect of" the group of needs shown. And recommendation 2: "That any such fund should not be called upon to meet capital expenditure", and "that this freedom from liability in respect of capital

expenditure should have effect retrospectively from 1st January, 1946."

The reasons for these recommendations I have explained, and I would ask hon. members to bear continually in mind the last sentence of the first paragraph of paragraph 12—"because any achievement of progress by the part must tend to inspire the whole to greater effort".

We had therefore to face the fact that the fund, as a fund, must do something to assist contributors, and that it must surely be based upon the principle that whatever is collected should be shared amongst contributors in regard to their need. In simple figures, if the fund collects £4 and four people are in need, they will get £1 each, but if there is only £4 in the fund, they cannot get more than £1 each without raising the amount that is collected from the community as a whole.

With regard to capital expenditure, we realized that, if a community could, by its effort and ability to maintain a service, provide service which would otherwise be a responsibility to some extent of the central revenue, then the central revenue should assist them, but we recognized also that that assistance must be subject to certain conditions. And in paragraph 13 we have laid down as a suggestion:

"We appreciate that if Recommendation 2 (i) is accepted, capital expenditure will have to be found from some other source. Such capital expenditure we believe must be a matter for *ad hoc* consideration by the Government which, we suggest, should have regard: (i) to the needs of the people concerned, and (ii) to their ability to maintain the service for which provision is desired. We recognize that in endeavouring to make any capital provision for this purpose, the Government will have to pay due regard to the resources of the Colony as a whole."

It is obvious that the money comes out of the same pocket in the long run.

We feel that that should mean that where a section of a community is prepared to make individual effort to provide funds for the establishment or maintenance of a service, such as was visualized in the European hospital scheme, then they should present their case to Government for sympathetic consideration, and that where financially possible

[Mr. Vasey]

Government should maintain at least the £ for £ contribution with regard to capital expenditure.

Having arrived at the principle of the distribution of the money received, we had to work out the question of benefits. We felt that we could not recommend anything in the nature of a fixed rate of assistance again. The rate must be left to the body operating the fund. They will be the people who will know exactly how much they are receiving and they will know how much therefore they can distribute. We therefore recommended, Recommendation 3, that benefits should be distributed to the contributors concerned; that to be done in accordance with the financial resources of the fund, and any margin between the amount distributed to the contributor to the fund, and the cost of hospitalization, should be borne either by additional charges and fees to the patient direct, or by the result of local effort and voluntary work, as was the case with the voluntary hospital system in Great Britain.

On the question of maternity benefits, we received evidence which suggested that the maternity benefit should in some cases be eliminated altogether. On the other hand we received a considerable volume of evidence that some maternity benefit must be maintained. The Committee, after long consideration of this particular matter, felt that what it should do would be to recommend that maternity benefits should remain, as far as the fund will allow it, at the present rate, but that instead of being a recognition of a medical fee, the whole of the maternity benefit should be directed towards hospital expenses and towards nursing expenses. That is the recommendation contained in Recommendation 4.

When I started, I endeavoured to point out that we had found the position of the Hospital Authority that of a central fund, with all groups (without responsibility for the raising of revenue) clamouring for expenditure and finance. It was obvious that that could not be allowed to continue. We found also another rather disturbing factor: the fact that money for capital expenditure and for equipment, and for the provision of services, could be drawn from a central fund according to the amount of clamour, or the difficulty in which you were prepared to place

the Hospital Authority, which to a large extent destroyed the district and local initiative, a thing that we were extremely worried about. Because of that your committee unanimously recommended that every effort must be made to put as much responsibility, as much control, as possible back into the hands of the local district committees. The districts will be able to choose their own particular form, but if this report is adopted the responsibility for maintaining a service at a good standard will be placed back on the district, and every district that is prepared to accept such responsibility will be granted it immediately.

On the question of contributions, this was a matter which caused your committee very great concern. It was obvious that the principle of a flat rate contribution, as on the basis of the national health insurance scheme in Great Britain, or other schemes of that kind, was one which was receiving considerable support. We found, however, that with such a small community in numbers, if we were to endeavour to raise the money essential for the fund by a system of flat rate contribution, the burden per individual of the community would be so heavy that it would be too great for the lower income groups to bear, and because of that we came to the decision which is outlined in paragraph 17 of the report:

"From the point of view of ease of collection and adherence to the belief that this type of scheme should not be allied to taxation, some members of the Committee felt that if practicable the flat rate contribution was the most desirable method to apply to the Hospital Treatment Relief Fund. Other schemes, however, based on a flat rate of contribution from all members bring the principle of the wealthy contributing to the relief of the poor into effect through central revenue meeting any shortfall on the annual expenditure. In a sectional scheme such as the one we are considering, the central revenue is not committed to bear any shortfall in the annual expenditure"—If I may interject here, that underlines the difference between any scheme in Great Britain and a scheme of this kind. The central revenue is not committed to bear any shortfall in annual expenditure—"which means that a flat rate method for this scheme without any contribution from central revenue on the foregoing

[Mr. Vasey] basis, would remove the principle of the wealthy contributing to the relief of the poor almost completely. We again, therefore, arrive at the point where financial principles suitable to a homogeneous community could not be applied to the scheme now under consideration. We would suggest, however, that the possibilities of flat rate contributions be kept under review, so that should the position arise where the number of contributors enable a flat rate to be applied without imposing too great a burden upon the poorer section of the community, the question of the method of contribution should again be referred to the European community for its consideration."

After that we had to move to the system of a graduated rate, which is recommended in the report, as the basis of contribution. In our recommendations we have endeavoured to level out the burden and at the same time give the family man the greater benefits, which the family man must obviously enjoy.

On the question of the scope of the scheme, the Hospital Authority report had made the following remark in paragraph 21 (f): "Although the Scheme was never intended to provide relief against the cost of Health Services other than hospital treatment, it cannot be overlooked that this still remains a heavy financial burden in time of sickness." We acknowledged that, but the weight of evidence was strongly against any attempt to expand the scheme to cover health services, and as this scheme, even in the form we are now presenting must be looked upon largely as an experiment, we feel we could not recommend too great a burden on the scheme at the present time, and we therefore have recommended "that any extension of the range of benefits should be deferred but should be considered from time to time in conjunction with the actuarial review which we recommend in paragraph 23". In paragraph 23, in order to emphasize the financial aspect that must be continually borne in mind when dealing with a fund of this kind, we have recommended an actuarial review every three years.

We have had quite a number of requests from hospital boards that some system of bulk buying should be set up, and the committee felt that the Director

of Medical Services already, indeed, operated a bulk buying system, and that to set up a special organization for the European Hospital Authority would have meant a duplication of expenditure and organization. We have therefore recommended "that the Director of Medical Services be approached with a view to making standard medical stores and equipment available to all hospitals not run for private gain". We feel that is by far the best way of dealing with the matter.

On the question of nursing, we have recommended that the attempts of the European Hospital Authority to standardize the terms of service for nursing sisters should at the present moment be abandoned, and that the Hospital Treatment Relief Fund, when set-up, should not have such responsibility. We suggest that it is a matter for co-operation between the various hospitals, for local conditions differ so greatly that it is better that the local hospital committees should adapt their conditions of service to their local requirements.

We found opinion tremendously divided on lottery as a source of revenue. We felt that there were very great moral issues involved, and we felt it was beyond the competence of the committee to deal with one particular aspect of the matter as to whether sweepstakes should be run on a national basis or not. We recognize, however, the great benefit which local hospitals in some districts are deriving from their own voluntary efforts to raise money from this particular type of activity."

Finally, the question of the body responsible for the fund. We have endeavoured to get away in this recommendation from any sectional or district interests, and the advantage if our recommendation is adopted is that it will be run purely on a financial basis, whatever is collected will be distributed. If more is to be collected than those residents of the European community through its representatives in Legislative Council and with the concurrence of the Governor should move that more should be collected, but unless the community agrees that more should be collected more cannot be distributed.

We have kept away from the basis of anything in the nature of district repre-

[Mr. Vasey] sentation and have urged that a small board should be set up. We have suggested a member appointed by the Member for Finance, because a certain amount of Government contribution is involved in this. There is also the fact that although it is community taxation, the Member for Finance must continue to have a very active interest in sectional taxation if the central revenue position is to be safeguarded. We have suggested a member appointed by the Member for Health and Local Government, because of course he will have a large responsibility in seeing that the fund is operated properly. We have recommended that four members be appointed by the European elected members, not necessarily from their own numbers, "and that such body should have power to elect its own chairman, not necessarily from its own number".

The final recommendation or suggestion is, of course, that the present Ordinance will require amendment to give effect to such of our recommendations as are accepted. There is, too, the fact that the European Hospital Authority will in some cases have to act as a holding authority over property until such time as the adjustment takes place in the districts and areas.

Before I move to the conclusion of my remarks, I should like to express the deep appreciation of the valuable services which were rendered by Mr. Steel, who acted as secretary to the select committee, and as chairman I would like to pay a tribute to my colleagues for the efficient manner in which they reviewed the evidence and the co-operative manner in which they met, time and again until a unanimous report could be signed.

I would in conclusion like to summarize what this report really means.

It means an attempt to rectify the original mistake of a centrally fixed rate of cost to the patient; it means an attempt to relieve the fund of capital liability which experience shows it should not have attempted to accept; it means that to a large extent the European hospital services scheme will start again, that it will retain the principle of insurance, recognition of the principle that the wealthy should contribute to assist the poorer, and that the single people should

help the family man. It means a recognition that what is paid in shall be paid out to assist according to need. It provides a basis for a service which is capable of review, expansion, or restriction according to the finances available. Finally, it gets back—and I believe this is tremendously important—it gets back to a system of local and district control, of district initiative, and of local incentive, trying to get a higher service at less cost, and leaves a place for voluntary service and effort by Europeans as citizen members of the community, remembering always, as we said in earlier paragraphs, that "any achievement of progress by the part must tend to inspire the whole to greater effort".

Believing that such effort will lift the service level as a whole, and the effort made by the European to help himself in this respect, this achievement and progress by the part must inspire the whole Colony to greater effort. (Applause.)

SIR CHARLES MORTIMER: Mr. Speaker, I beg to second, and reserve my right to speak at a later stage in the debate.

MR. BLUNDELL: Mr. Speaker, in rising to speak to this motion I should like first of all to congratulate the hon. mover on the excellent and clear way in which he put the summary, as it were, of his report. (Hear, hear.) I should also like to record how sorry I am that in the future instead of sitting alongside him I shall be sitting opposite him!

I am in an awkward position on this report, and had intended to oppose it and, indeed, if I were a delegate I should do so because there is strong criticism of it in the area I represent. But I believe it would be wrong to oppose it, and that being so, provided I get an assurance and make one particular point, and record my own views, I intend to support it.

There are two things which I wish to speak on in the report. First, I should like to have some clear indication of the Government's intention in regard to the old system of pound for pound grant for capital expenditure which is exemplified in the growth of the Nakuru War Memorial Hospital in the past. There public endeavour locally stimulated has been in the habit of raising large sums for capital development, and this Gov-

(Mr. Blundell) ernment in the past has been adding pound for pound to the capital expenditure. I should like to have an indication in that regard, whether it will be clearly covered by the recommendations of the report, that capital expenditure should be a charge on the Hospital Authority.

The second point is paragraph 17. I am unable to accept the principle that in assessing the method of financing a hospital the principle of the wealthy financing the poor should be so strongly stressed, for this reason, that that principle is already accepted in the whole of the basis and fiscal structure of the country in income tax. Were we a homogeneous community it would not need to be stressed in the report. There is also great danger that you will build a series of small income tax structures upon the main broad income tax structure.

I wanted to make that clear now, and record my views. I am going to support the report and the method of assessing income, for this reason, that at the moment I see no alternative, and I agree with the hon. mover that a flat rate would bear very heavily on the family man. Had it not been for paragraph 17, a clear indication that at any time in the future when a number of people who are enjoying the benefits of the Authority may be such that the flat rate may be worth more, that a flat rate would be considered, I should have opposed the report. I wanted to make that clear, so that the record may be there if the matter is raised in the future.

With those words I beg to support.

MAJOR KEYSER: Mr. Speaker, I should like to start off by paying tribute to all the members of the select committee, who put in an enormous amount of work and produced a report which should go very materially towards solving the problem of European hospitalization.

I think, however, that the essential vagueness of some of the recommendations, especially Nos. 1 and 2, is going to create a great difficulty for the small hospitals. At present, I hope anyhow, that Government will be able to give an indication of what the amount of relief per patient-day will be. Until

hospitals do have some indication at least of what it is going to be, it is impossible for them to budget for the coming year. This has been put up to me by the hospital committee with which I am concerned as a very serious difficulty in the recommendations of the committee. They state that the cost of a patient-day has risen now to somewhere in the region of 35 shillings, and that if the relief does not amount to more than 15 shillings the payment of 20 shillings by a patient, in addition to the various contributions which he makes to taxation, will impose a very heavy burden on the patients and that it will very seriously reduce the number of patient days in a hospital, or there is a possibility that it may reduce the patient days. They are therefore in the position of not knowing what their revenue is going to be, either through relief or through fees paid, because should the amount of relief be such that it will discourage patients from going to hospital then their revenue will be very seriously depleted. On the other hand, some of their expenditure is of a nature that cannot be changed rapidly, the salaries of the nursing staff in the hospital I am considering is four-sevenths of the total expenditure, and the staff has got to be engaged at the beginning of the year, and it cannot be chopped and changed in order to deal with possibly a monthly rise or decrease in the patient days. So that these hospitals are going to be faced with a loss at the end of, say, the first year of operation of the new scheme and, of course, there is at present no provision for making up that loss so that they are going to be faced with a great deal of difficulty over that particular matter.

The other recommendation which was necessarily a vague one was the one about capital, and I think that during this debate I should like to support what the hon. Member for Rift Valley has said, that Government should make a clear indication of their intentions for capital provisions for European hospitals. If the hospitals know exactly what their position regarding capital expenditure is going to be, they can get going with their various schemes, and some hospitals are very badly in need of accommodation which has been held up until a decision has been arrived at over this report.

I beg to support,

MR. HOPE-JONES: Mr. Speaker, I would like to ask two questions of the hon. mover. First of all, I would like to take the point made by my hon. friend the Member for Rift Valley and ask the hon. mover whether in fact it may be that I misunderstood him—benefits to individual contributors under the hospital scheme are going to be according to need, and if so does that imply some form of means test? Secondly, I quite agree that with the present numbers in the European community there cannot be a flat rate contribution, but I am somewhat alarmed at the implication of that scheme. I personally would like a little more information on that point. I have every reason to believe I will be able to vote in favour of the report, in fact I am certain I will be able to do so, but I would like information on those two points.

MR. PATEL: Mr. Speaker, I had no mind to speak on this motion because I do not think I can usefully add anything to the terms of the report or the recommendations made. I would like to congratulate the Government of Kenya on the very good hospital facilities and now, in addition thereto, the able recommendations made by the committee. However, I desire to offer a few criticisms of this report from an entirely different angle.

In my view the direction in which we are going in regard to providing hospital facilities in this country is not the right road. I said so at the time when the report of the European Hospital Committee was debated in this Council. What appears to me is that the leaders of this country, having good facilities made available for them, are in my view leaving those whom they claim as followers in this country more or less in the lurch. I would demonstrate that by pointing out that in spite of the report by the Asian Hospital Committee two or three years back nothing has been done, so that in spite of the hope that the Asian community will follow suit from the European scheme they will not receive that necessary urge if the leaders themselves will not bring to their notice the difficulties of those whom they claim as followers. That is one serious objection I have to the road which we have adopted in this country.

I may just take my point further—that though in the case of Nairobi Asian Hospital £60,000 has been made available from the estate of a deceased Indian, even then we have not made any progress, and until that is done it becomes difficult for the Asian community to undertake the services which, as the hon. mover indicated, whenever the community is ready should be done similarly, that we should get inspiration from the progress of others. We are inspired by that, and still that does not help us.

Therefore I personally believe that as long as we go in the direction of piecemeal work for say, a few thousand people, I do not think we will solve the problem on a just basis. It is all very well to read quotations from anything said in Great Britain, but I think it is out of tune with our circumstances here because it does not carry out the things necessary for others. When we tackle the problem for a few thousand people only, however necessary it may be found from the point of view of not having a homogeneous population here, or the point of view of inspiring other groups by providing a very high standard of facilities for one group, I must say in fairness that as a matter of fact this procedure is leaving us in a very difficult position, because the people who can bring pressure to bear are the European Elected Members, and when their mind is directed all the time to the facilities which they should have for the European community it becomes highly difficult for them to study and understand the needs of the other people. Therefore I submit that morally it is not right for the leaders to provide facilities for themselves only, leaving the others behind. There should be an effort made to take the whole country along this road to gether.

If that is the view I submit it should be the duty of the elected members to see that the buildings for Asian hospitals are built, but I am convinced in my mind that will not happen until we take the whole question of hospital facilities as one subject for this country. By discussing it piecemeal the needs of other people are overlooked. That is my strong criticism of the road which the European community has adopted in this country. I again say that I have no objection to the high standard of hospital facilities

[Mr. Patel]

which the European community will have by adopting this report, but I have a feeling more and more on this issue that whenever suggestions are made, I am quite certain in my own mind that those who claim leadership of the country will be unable to rise to the occasion and consider the needs of others. That is why I have serious objections to the principles of the whole report.

MR. PADLEY: Mr. Speaker, I rise to deal with one point only, the question raised by the hon. Member for Rift Valley that Government should give some indication of its intentions with regard to the provision of capital expenditure.

Recommendation 2 of this report is to the effect that the Hospital Treatment Relief Fund, if and when established, should not be called upon to meet capital expenditure. I agree that that means that capital expenditure must be found from some other source. Paragraph 13 of the report itself makes that point. Well, there are in fact only two such sources that I know of. One of them is from voluntary subscription and the other is from Government revenues. The committee states that the provision of capital expenditure should be a matter of *ad hoc* consideration by Government, and the committee also went on to say that they recognized that in endeavouring to make any capital provision for this purpose Government would have to pay due regard to the resources of the Colony as a whole. There is not very much I am afraid I can add to that. The existence of local contributions should naturally make it easier for Government to give consideration to the request for assistance for the construction of hospitals from general revenue, but Government cannot give a categorical assurance that the existence of such funds would necessarily make a contribution from central revenue certain. Such an assurance, I feel sure, is one which Government could not be expected to give, but I would say that the existence of such funds would naturally make it easier for Government to consider assistance from revenue, but it cannot make it.

MAJOR KEYSER: On a point of explanation, may I say I did say I was supporting the motion but I am not satisfied with that explanation given by the

hon. member, therefore I would have to withdraw my support to the motion, and I think the hon. Member for Rift Valley feels the same.

MR. HAVELOCK: Mr. Speaker, I quite truly did not intend to rise to take part in this debate—a remark we so often hear—but I do feel that the remarks of the hon. Member for Eastern Area have been directed to the European Elected Members more than anyone else in this Council, and I would like to refer shortly to his speech.

As far as the European Elected Members are concerned I state here and now emphatically that we have the best interests of all communities at heart; that if any community such as the Asian community will help themselves in the terms of this report we would help them to set up a scheme of this sort in the light of our experience, and I can see no reason at all against the Asian community doing this if they should want to, and I believe they could have done it many years ago if they had really meant what they said.

I would draw the attention of the hon. member to paragraph 13 of the report, where it actually is referring to capital expenditure, but it does really put in words what is expected of any section of the community if they are to receive help. There I think he will find the answer to his queries. If his community will take that responsibility, then nobody will hinder them, but we will all help them.

I beg to support.

SIR CHARLES MORTIMER: Mr. Speaker, I would like to join in the congratulations to the hon. mover for his very clear exposition of this report which has been put before us with all the lucidity that we have every reason to expect from the hon. member. I support the motion, as I feel that it is the only course open to the European community if a central hospital service has to be maintained at all. The alternative is to fall back into the condition of *laissez faire* which we were in before the beginning of 1946.

The Hospital Authority, as the hon. mover has explained, was faced with two major difficulties. One, that we were committed in advance to a scale of benefits to the individual, and two, that we had

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perforce to undertake capital expenditure for which no financial provision was made in the scheme. I congratulate the hon. mover on his exercise of restraint in forbearing to say "I told you so". He, more than any other member of this Council, expressed very strong views on this subject of capital expenditure when the scheme was under consideration not only in this Council but in select committee. Many of us shared his views, but by reason of financial stringency we were compelled as the Authority to accept some obligation for capital expenditure, or face the alternative of having no expansion—urgently needed—of European hospital services throughout the country.

We had to take upon ourselves blindfold capital expenditure of an entirely uncertain extent. The Authority has all along been in the unfortunate position of having the responsibility for finding finance for local communities whose only responsibility was spending it, and that is a very unwise provision in any kind of scheme and is bound to lead to disaster in the long run. The run has been longer than it might have been because of the difficulty the Hospital Authority had in getting any clear idea of its resources. We knew clearly enough what the expenditure was, but until fairly recently we had no clear conception of what the revenue was. When we did get a clear statement we found that we were heading for bankruptcy unless something were quickly done.

I am very glad to see that the select committee has made provision in its report for the continuance of maternity benefits, but in a revised form. I think that is very important in a young Colony such as this, where we have a large number of young people setting up their homes and establishing their families and who find the cost of maternity too great to be borne unless some assistance can be given by others who are better able to afford it.

The Hospital Authority in submitting its report in May last emphasized the importance of revising the whole scheme when it said in paragraph 20 that "there should now be a reorientation of the Scheme to eliminate some at least of its existing weaknesses. Any amendment should aim at the restoration of local

incentive and initiative and should make clear the vesting of responsibility. It should provide for every section of the European community to have an equitable return from the fund, and for every centre to have the clear right to decide upon the standards it desires, on the understanding that the cost of providing for standards higher than Central Funds may be able to provide will have to be met from local sources". I am glad to see that the select committee has been able to put forward recommendations which will restore the incentive and initiative to the local communities, an incentive and initiative that has largely been lost by the operation during the last four years of the European hospital scheme, and I am quite sure that following the notable example of Nakuru, and with the earlier examples of local initiative in Kitale and Eldoret, the initiative will once again be restored and the local communities will rise to the obligation, responsibility and opportunity that is now placed within their grasp.

The hon. Member for Trans Nzoia rightly stressed the importance of the nursing service in the whole scheme of hospitals and the expenditure inevitably incurred on that nursing service. We are very remote from the source of supply of nurses, consequently we are faced with very heavy expenditure in passages, in leave and in salaries. I was speaking to the chairman of a hospital board only the other day, and he said that he had thought of calling his particular hospital the "X Matrimonial Bureau". That is just an indication of the kind of difficulty that all authorities controlling hospitals are faced with.

It is inevitable that the European Hospital Authority, with its new set-up under this select committee report, will act as holding authority for certain institutions, some of which are already in its possession, until such time as other arrangements can be made.

The hon. Member for Trans Nzoia emphasized the ever-increasing cost of hospital treatment, and said that in the hospital in which he was particularly interested the cost had gone up to 35 shillings, and expressed grave doubts as to whether the patient could meet the difference between the money he was likely to receive from the insurance scheme and the actual cost which was

[Sir Charles Mortimer] being incurred in his treatment. The hon. member has in that statement emphasized for us, from a different point of view, the very difficulties that the Hospital Authority has been faced with. Someone has to meet that extra cost. Where is it to come from. In the past four years it has come from the Central Hospital Fund, which is the sum total of the contributions of all contributors. The Central Hospital Fund has had to provide the money and has been in no position to dictate the standards. Under the new scheme the local community will be able to dictate its own standards, and if it finds that it cannot afford a 35 shillings a day nursing-home standard, then it will have to think out a scheme that does meet with the approval of its community and for which the community is prepared to pay. It is impossible, of course, at this stage to say precisely what the payout will be. I see no reason to suppose that it will be less than 15 shillings and I think it may very well be in the region of 20 shillings per patient-day, but no one can say with any certainty in a manner that is likely to satisfy those who demand a definite assurance of the precise amount.

With reference to the remarks of the hon. Member for Eastern Area, the hon. Member for Kiambu has already dealt with one aspect. I would remind hon. members that the committee established some time ago to make recommendations about an Asian medical service said that they were satisfied that, once the Asian community had been placed in a reasonably good position so far as hospital accommodation was concerned, the Asian community would undertake an insurance scheme something on the lines of the European scheme. The hon. member went on to say that no progress had been made with the development of the Asian schemes. Well, that is not correct, as I think the hon. member really knows. I gave an answer in this Council some few days ago—I have not got the precise figures in mind—showing the increase in hospital beds during the last few years in the accommodation for Asians. The Asian section of the Nairobi Group Hospital, towards which we have a bequest of £60,000, is going ahead. The initial plans are now ready, and we are in a position to get down to the working drawings calling for tenders as soon

as that initial work is finished. Negotiations are at present going on as to the precise siting of the hospital, and I assure the hon. member, as I think he knows, that the Asian hospitals under the Development and Reconstruction Authority schemes have priority over others. The African section of the Group Hospital, Nairobi, comes first—we must finish that—and then the Asian Hospitals, Nairobi and Mombasa, come next.

I have nothing more to add at this stage, except to say I join in the tribute paid by the committee and by the hon. the mover to Mr. Steel, the executive officer of the Hospital Authority who acted as secretary to the committee. I have worked with Mr. Steel for over four years in this capacity, and I bear full testimony to his great enthusiasm, to his idealism and to the hard work that he has put in in trying to make the Hospital Authority scheme a success in spite of the difficulties with which we have all been faced.

I beg to support.

MR. MATTHEWS: Mr. Speaker, I rise only with reference to an interjection made by the hon. Member for Trans Nzoia. Apparently not being satisfied with the reply given by my hon. friend, the Deputy Financial Secretary, to a point raised by the hon. Member for Rift Valley, the hon. Member for Trans Nzoia said that not being so satisfied he would withdraw his support from the motion. If there is any suggestion this is a Government motion may I disabuse the Council. Government feels that every European member should have the right to vote freely and that right has been given. On the question of dissatisfaction with the explanation given, my hon. friend stated that on the question of whether or not the Government would be prepared to provide money ever time 50 per cent of the cost has been collected, we must refer to what the committee itself recommended. It said that the question of capital expenditure must be a matter for *ad hoc* consideration by the Government. That question of *ad hoc* consideration surely must apply whether you have to find the whole capital expenditure or half of it. Everything must depend on the financial situation of the country at the time. Everything therefore must be *ad hoc* at the time, but quite clearly, as it is easier to find £1 than £2,

[Mr. Matthews] if £1 has already been collected the chances of Government being able to find the third pound are much greater than if Government had to find £2. In case there is any misunderstanding in the country about this I thought it necessary to make this point quite clear.

In these circumstances I beg to support.

MR. VASEY: Mr. Speaker, first of all I would like to thank those members who have spoken or signified their support of the report.

I can do no more to deal with the fears on the principle of taxation which were expressed by the hon. Member for Rift Valley than to refer him again to paragraph 17 of the report.

The hon. Member for Trans Nzoia dealt with the question of fixing the patient rate. I thought I emphasized that was the trap into which the authority exercising control of the hospital services scheme was placed in the first position, but I would like to read from the evidence given by a district council representative who is one of the protagonists of hospital schemes: "He referred to the basis of the formula proposed in the District Council's memorandum, the underlying idea of which was that a sum of money should be allocated to each hospital, any savings or which could be carried forward either for expansions or improvements of the standard, and any over-expenditure be met either by the imposition of a local rate or increase in the patient day charge".

When the fund has distributed the money that is available to the contributor, surely that is the only manner in which the additional expense can be met—either by the imposition of a local rate, or the increase in that patient-day charge, and in this particular case this district council showed, I think, its willingness to accept that basis.

Of course, hospitals and district hospitals will have difficulties such as those outlined by the hon. Member for Trans Nzoia, but they will after all, as the hon. Member for Health said, only have those problems which have previously existed at the centre without any control. Those problems will now be the problems of the district, the district will have control, and will have to exercise that control. It will also have, I think,

possibly a greater measure of contribution through its patient rate than it has had before.

The hon. Member for Commerce and Industry spoke about the question of need. As this is purely a hospital report and dealing with hospital funds, I think it is quite obvious that the word "need" can only be used as the need of the patient, and it is not a question of need with regard to poverty or anything of the kind. As regards the question of contribution, as we have had to lift this scheme completely from central revenue, in which the principle of the wealthy contributing to the assistance of the poor operates, to a great extent we had perforce to bring that principle in the community scheme into operation only through financial stringency. I trust that the hon. member will take paragraph 17 as evidence of intending that should the collection of a flat rate ever become possible, because we recognize that though this is called an insurance fund it cannot fulfil its true principles of insurance until everybody pays the same amount on the policy to ensure against the same risk, it will be done. It is financial stringency which has made us depart from that particular principle.

With regard to the hon. member Mr. Patel, while his arguments might to some extent have been relevant under the original scheme, I suggest that they are largely irrelevant under this report, because it does not recommend that this fund shall have anything to do with hospital standards at all. When he spoke about the question of European leadership, I would remind him that this burden is being accepted, if this report is accepted, by the European community, in addition to its contribution to the common pool from which all benefits are drawn. (Hear, hear.) And we come back to our argument that in achieving progress by the part we must benefit the whole, that if Europeans through their own efforts lift the standard of hospital work in this country, and hospital facilities, the rate of progress of the other communities must be higher because they will have a higher target at which to aim.

On the question of pound for pound, I would say that even though it means we could not have the support of the hon. Members for Rift Valley and Trans

[Mr. Vasey]

Nzozia, in view of the fact that this scheme will presumably run its course gradually through all communities in this country until some standard scheme is possible of achievement, I think that Government could not agree to anything other than an *ad hoc* consideration, could not agree, that because a man could produce a pound it must also produce a pound irrespective of what the qualifications were, of the needs of the people concerned and their ability to maintain the service, and of the resources of the Colony as a whole. Even though it meant a loss of their support, which I trust it may not, I could not agree to that particular statement. On this I must stand where I stood in 1946 on the question of capital expenditure.

On the final issue of this scheme, whatever its demerits, whatever doubts hon. members may have, if they will look at Annexure 1 of the Hospital Authority report, they will see that in 1947 50,000 patient days were subsidised by the fund. They will see that £7,500 was paid out in maternity claims, £2,500 in nursing services claims, £20,000 was paid to the European community to assist people who were ill, and £52,000 to assist public and semi-public European hospitals. If you do not adopt this report, then I think the hon. Member for Health and Local Government will agree there is no alternative but to wind up the European Hospital scheme. I suggest that if you take that step because you are dissatisfied with one small point in the report, you will do the European community and the individual patient a great disservice. You will rob him of one step forward to the principle, where he who is in need through illness is assisted by the community as a whole. I trust that all the European members will find it possible to vote for this report.

The question was put and carried.

## BILLS

### FIRST READING

On the motion of Mr. O'Connor, seconded by Mr. Pike, and question put, Standing Rules and Orders were suspended to enable the Special Districts (Administration) (Amendment) Bill, the Passion Fruit (Amendment) Bill, and the

Emergency Powers (Amendment) Bill to be read a first time.

On the motion of Mr. O'Connor, seconded by Mr. Pike, the Bills were read a first time; and notice given that the subsequent stages would be taken during the session.

## EUROPEAN HOSPITAL AUTHORITY LOAN

Standing Rules and Orders were suspended to enable Sir Charles Mortimer to move the motion of which he had given notice that day.

SIR CHARLES MORTIMER: Mr. Speaker, I beg to move: Be it resolved, that this Council approves a loan not exceeding £70,000 to the European Hospital Authority for the purpose of erecting a nursing and maternity home in Nairobi.

As the time is very short I will briefly recite the circumstances in which this resolution becomes necessary. There is grave need in Nairobi for additional maternity home services. There was grave need up to the end of last year, an ever-increasing need which was not being met by private enterprise and for which there were no public funds. The closing of the Eskotene Nursing Home a few weeks ago has accentuated that need to a very extreme point.

The European Hospital Authority at present owns the Maia Carberry Nursing Home which it is maintaining on a standard similar to that which has always been associated with that particular nursing home. That was acquired with funds borrowed from Government with the consent of this Council, and is a reimbursing loan with no expenditure against public funds. There is adjoining the Maia Carberry plot a plot which is now held by the Lady Grigg Welfare League and is occupied by the Macmillan Memorial Nurses Institute. That institute was established with a view to providing domiciliary nursing services. Two or three attempts to provide services in the past have broken down, and the institute has not for some time been fulfilling the purpose for which, it was originally established.

The Hospital Authority has been negotiating for some time with the trustees of the League, and they have agreed to hand over that plot and all

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its assets to the European Hospital Authority, in order that they might endeavour to carry out the intention of the founders of that institution. The Authority is prepared to do so. The management board of the Maia Carberry Hospital, appointed by the Hospital Authority, is willing and able to undertake immediately the construction of a nursing home providing for three storeys.

The idea is that the two lower storeys shall in the first instance be used for maternity purposes and the upper storey for a nurses' home, until such time as it is handed over for maternity services. It is estimated that this will cost about £70,000. It may be that we shall not need to borrow the whole sum but we need provision for it in the event of it being required to take up the whole amount. It will be a reimbursing loan and will not be a charge on public funds. I commend this with the assurance that it will be acceptable to all members, that authority be given for the loan up to £70,000 for this purpose.

MR. O'CONNOR seconded.

The question was put and carried.

## ADJOURNMENT

Council rose at 12.45 p.m. and adjourned till 9.30 a.m. on Thursday, 26th January, 1950.

Thursday, 26th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Thursday, 26th January, 1950.

Mr. Speaker took the Chair at 9.35 a.m.

The proceedings were opened with prayer.

## MINUTES

The minutes of the meeting of 25th January, 1950, were confirmed.

## ORAL ANSWERS TO QUESTIONS

No. 98—MAIZE CONTROL AND CEREALS POOL

MAJOR KEYSER:

Will Government state: (a) the number of bags of produce which have been written off by the Maize Control and Cereals Pool organizations during 1949 in respect of maize or other produce which could not be accounted for; (b) if an investigation has been ordered into the disappearance of this produce; (c) if any information can be given in explanation of this shortage; (d) what steps have been taken to prevent a recurrence thereof; (e) if the shortage is considerable, and therefore presumably the result of organized theft, whether all possible steps will be taken by Government to bring the offenders to justice; (f) if it will inquire into the causes of the evident inefficient methods of the organization which permitted such shortage to occur?

MAJOR CAVENDISH-BENTINCK: In 1949 the losses of the Maize Control were as follows:—

	Bags
Transit losses	1,651
Storage losses, mainly shrinkage, in Maize Control stores	2,917
Shrinkage allowance on maize held in millers' stores	7,328
Suspected theft	35

a total of 11,931 bags on total purchases by the Control amounting to 1,610,000 bags. This represents a total loss percentage of 74 per cent, of which 45 per cent was entirely due to shrinkage in millers' stores. The East African Cereals Pool is a High Commission service, but Maize Control acts as agents for the Pool in the handling of its pro-

[Major Cavendish-Bentick] duce, and losses of grain in 1949 were transit losses 2,347 bags, storage losses (mainly shrinkage) 19,814 bags, a total loss of 22,161 bags on the 1,127,231 bags handled during the year; a total loss percentage in the case of the Cereals Pool of 1.96 per cent.

The hon. member's question refers only to the year 1949, but in order that the efficiency of the Maize Control may be judged accurately, I propose to give the following figures relating to the whole period during which the Maize Control and Cereals Pool have been in existence.

Since its inception in 1943 up to 30th September, 1949, the Maize Control has purchased 10,800,000 bags of maize, and during that period approximately 130,000 bags have been written off as losses, a loss percentage of 1.2 per cent. During the same period the Cereals Pool purchased 9,100,000 bags of grain and 176,000 bags were written off, a loss percentage of 1.94 per cent. Both these percentages include the losses due to shrinkage of grain held in Maize Control stores, and the allowance for shrinkage which is made to millers on grain held in their stores at a rate of 1 lb. per bag per month. As regards the Cereals Pool losses, the relatively higher percentage of loss is due largely to the necessity for conditioning large stocks carried forward from one year to the next in cases of bumper harvests such as that which occurred in the year 1946-47.

The losses sustained by both the Maize Control and the Cereals Pool were due to shrinkage in stores, winnowing, losses in transit, reconditioning of grain necessarily held in store for long periods and petty pilfering.

Although I have given the above information as being relative to the hon. member's question, I believe that his question was in fact framed with the object of eliciting information regarding a large unaccounted for loss of grain which occurred at the Sagana depot of the Maize Control. As regards this loss, which in fact was incurred in 1948 and not in 1949, I will reply to the hon. member's specific questions in the order in which he asks them:—

(a) 2,576 bags of maize and 617 bags of millet which could not be accounted for were written off.

(b) A full investigation was made by the Criminal Investigation Department.

(c) Although every effort had been made to introduce a system of checking and counter-checking which was considered to be flawless, it is suspected that collusion between certain traders in produce, certain African depot clerks, certain African agricultural inspectors and Maize Control tally clerks took place, and that receipts were issued for grain which was never in fact delivered. During the period in which these losses took place a very great volume of maize and produce was being received at this depot, and the European officer in charge of it was unable to, or in any case failed to, supervise every individual delivery.

(d) The European officer in charge of the depot and all the suspected subordinate staff were dismissed; instructions were issued by the Maize Controller in regard to a new method of stacking whereby the monthly physical stocktaking could be facilitated from then on; a certificate has to be rendered each month from each depot to the effect that physical stocks agree with the records.

(e) All possible steps were taken by Government to bring the offenders to justice. The Criminal Investigation Department investigations took many weeks, but unfortunately insufficient evidence was obtained on which to base a prosecution.

(f) It will be seen from the above that Government has made every possible inquiry into this particular loss and it is hoped by improvements in methods of checking and counter-checking to prevent any recurrence of a loss of this particular nature. I would, however, stress that this is the only substantial loss that has occurred over a period of six years, that the figures I have quoted in my reply speak for themselves, and that taking into account the magnitude of the operations of Maize Control and the Cereals Pool over a period of years and in the light of the experience of private firms and other institutions during the same period, Government does not consider that the methods of the organization can justifiably be alleged to be inefficient.

MAJOR KEYSER: Arising out of that answer, would the hon. Member tell us it is not a fact that most of the maize

[Major Keyser] purchased by the Maize Pool is in actual fact railed direct from the producers' stations to the millers?

MAJOR CAVENDISH-BENTICK: I do not want to stifle questioning, but that really does not arise. It is not a fact, but if the hon. member wants details I shall be glad to furnish him with the exact number of bags.

MAJOR KEYSER: Does not the hon. Member think this arises out of the question?

THE SPEAKER: I have not stopped you from putting it; therefore you may take it that it has arisen. It is a good supplementary, but you cannot get the answer, that is all. (Laughter.)

MAJOR KEYSER: I want to ask the hon. Member whether he does not think it makes a great difference to his answer, because he gives the percentage of loss of maize which in fact is never physically handled by the Maize Control as the maize is railed direct from the producer's station to the millers and never does go through Maize Control. If the percentage were given of maize handled physically by the Maize Control the percentage of loss would be much greater.

MAJOR CAVENDISH-BENTICK: The hon. member could not have been paying much attention to my reply, because I said that all the losses at millers' source was because the maize there belonged to the Maize Control until it disappears in the form of *posho*.

#### PERSONAL EXPLANATION

THE SPEAKER: I think Council will indulge the hon. Member for Health and Local Government, who wishes to make a personal explanation.

SIR CHARLES MORTIMER: Mr. Speaker, I desire to make a personal explanation, under the provisions of Standing Rule and Order No. 50, arising out of the debate a few days ago on the motion of the hon. Member for Eastern Area, Dr. Rana, relating to the activities of Mombasa Municipal Board.

I then, during that debate, had the experience which I suppose most sooner or later fall to the lot of most people who are called upon from time to time to speak extemporaneously. Having sat

down I then remembered that a very important thing that I wanted to say had been left unsaid. I have no doubt that even some of the hon. members of this Council have had that experience.

By the rules of debate I was precluded from getting up again, but I should like to take this opportunity of saying now what I intended, and omitted, to say at the time when I was speaking in that debate. That is, that no words of mine should be taken as any reflection upon the chairman of the Board, for whose work and worth I have the highest regard, and of those hardworking and conscientious members of the Board who do pull their weight, of whom there are several in the Board's membership. (Hear, hear.) On reading the account of the report of what I actually did say I realized that my words were calculated to cause pain and disquiet, and I therefore wish to correct that wrong impression of what I really intended to say. I trust that this explanation will be accepted in the spirit of sincerity in which it is offered and that similar publicity will be given to this statement as was given to the report of the debate.

#### ESSENTIAL SERVICES (ARBITRATION) BILL

##### SECOND READING

MR. O'CONNOR: Mr. Speaker, I beg to move: That the Essential Services (Arbitration) Bill be read a second time.

The objects and effects of this Bill have been very fully explained in the "Memorandum of Objects and Reasons", and I do not therefore intend to go into very precise detail in moving the second reading. It has long been realized that no civilized community can afford to permit an unrestricted right to declare lock-outs or strikes in essential services such as water, electricity, health, hospital or sanitary services, and possibly certain other services which are vital to the health and well-being of the community. In the case of such services they are not merely two parties, employers and workmen, whose interests are involved, but there is a third party, the community, whose interest in the continuance of all vital services outweighs any mere commercial advantage which might be gained by employers or employees. In effect, there are certain services whose continuance is so necessary to the community that a lock-out or

[Mr. O'Connor] strike in them is not so much direct action against the employer or direct action against employees as the case may be, but it is a direct action against the community itself, and that cannot be permitted.

At the same time there is no desire to take away any right to ventilate just grievances and to have them settled. Accordingly, the device to which resort has been had not only here but, indeed, in many parts of the world is this: Conciliation and arbitration machinery is set up for the settlement of trade disputes in essential services, and all lock-outs and strikes in those services are then prohibited until that machinery has been used. If an award has been obtained by the use of arbitration machinery, then that award has to be binding on the parties.

That in a sentence is the principle which is embodied in this Bill. There is nothing new about it. Since 1875 in England there has been an Act making it a criminal offence for any person engaged in the supply of electricity or gas to break his contract of employment if the probable result is to deprive the public of their supply. A further provision made it an offence to break the contract of employment if the effect would be to endanger human life or to cause bodily injury or expose valuable property to destruction or serious injury. In addition, and later, in the year 1940 to be precise (that is nearly ten years ago), the Conditions of Employment and National Arbitration Order, 1940, was brought into effect in England. That Order was expressed to be made with a view to preventing work being interrupted by trade disputes, and section 2 of it is very nearly similar in its terms to clause 5 of this Bill.

That Order provides that when any trade dispute exists or is apprehended, that dispute, if not otherwise determined, may be reported to the Minister who may refer it for settlement to a works organization representative of such employers and workmen if they exist or to the National Arbitration Tribunal, such reference to be made within 21 days, unless the time is extended, and any award of the tribunal is to be binding. Hon. members will see how very similar that is to clause 5 of this Bill. By section 4

of that Order there is provision corresponding to clause 18 of the Bill, to the effect that the employer shall not take part in a lock-out and the worker shall not take part in a strike in connexion with any trade dispute unless that trade dispute has been reported and 21 days have elapsed without the dispute being referred to arbitration.

There you have the principle recognized and established in the United Kingdom nearly ten years ago. I may be told that that was a war-time measure. It was in its origin a war-time regulation; it applies to all trades, not only to essential services. It was a war-time regulation, but it worked so well and it was found so necessary to have it that during the post-war period it has been continued in force. I am informed, with the consent of the trade union movement in the United Kingdom, and I understand it to be still in force.

We have something very similar here. We have an Order made under our Defence Regulations, the Defence (Trade Disputes Arbitration) Order, 1942. Defence Regulations will, of course, in due time cease to be operative unless renewed, and it is essential to make some provision in the permanent legislation of the Colony. It is therefore proposed to embody this principle in our legislation and to apply it not to all trades and industries as at present but only to essential services as defined. Somewhat similar legislation has already been passed in Uganda, and very similar legislation is, I believe, about to be introduced, if not already enacted, in Tanganyika.

That is the general background of the Bill. Hon. members will see that the general principle is not new, either in East Africa or the United Kingdom. I pass on now to certain salient features of the Bill itself.

First, hon. members will have realized that it applies only to essential services. There is a definition of "essential services" in clause 2 of the Bill. It reads as follows: "essential services" means the services, by whomsoever rendered and whether rendered to the Crown or to any other person, which are mentioned in the Schedule to this Ordinance, and any services so rendered which the Governor shall at any time hereafter by notice in the Gazette add to that

[Mr. O'Connor] Schedule"; The scheduled services are: Water, electricity, health, hospital, sanitary services and transport services necessary to the operation of the above-mentioned services or any of them.

That is a small Schedule and it obviously does not comprise all the services which might be considered to be vital to the health and well-being of the community—such, for instance, as port services, railway services and other transport services, and possibly services connected with the production and distribution of food, fuel and milk. It will have been observed by hon. members that the definition includes the words "and any services so rendered which the Governor shall at any time hereafter by notice in the Gazette add to that Schedule". I do not wish to—and I could not if I did wish—anticipate the decision of the Governor which would have to be taken in the light of circumstances and the facts obtaining at the time, but I feel confident that if there were a serious threat of a strike in any services which were vital to the community, such as those of the port and railway services, immediate steps would be taken to add those services to the Schedule.

As I have said, it is desired by this Bill to facilitate all peaceful means of settling disputes in industry, in the essential services to which this Bill applies, and to that end clause 3 empowers employers and workmen to negotiate settlements of disputes and, if satisfactory negotiating machinery such as trade unions of employers or of workmen, conciliation boards or whatever it may be, already exist in an industry, those means can be employed, and if not then the clause empowers each side to appoint up to five representatives to meet and negotiate an agreement.

Clause 4 permits the Member to appoint an arbitration tribunal for settling disputes which cannot otherwise be determined. The arbitration tribunal may take any one of three forms. It may be a sole arbitrator appointed by the Member, or an arbitrator nominated by the Member assisted by an equal number of assessors nominated by employers and workmen, or one or more arbitrators selected from a panel nominated by the employers and an equal number of arbitrators selected from a panel nominated

by the workmen, with an independent chairman nominated by the Member. I think hon. members will agree that that, as far as it is humanly possible to do so, secures that the arbitration tribunal shall be completely impartial. It gives scope for each side to nominate their own representatives. It is taken from the Trades Disputes Arbitration and Inquiry Ordinance, 1948, and I think that the hon. Labour Commissioner would confirm that tribunals nominated in that way have been acceptable to the parties concerned.

Now clause 5 is the clause to which reference has already been made, and it provides for the reporting of existing or apprehended trade disputes in essential services to the Labour Commissioner. He is to attempt to conciliate the parties or he may refer the dispute for settlement by existing organizations, if such exist, or if not, by representatives appointed by each side under clause 3, and if a settlement is not promptly reached then the Labour Commissioner may report the matter to the Member, who may appoint an arbitration tribunal under clause 4 and refer the matter to that tribunal.

Clauses 6 to 9 are machinery clauses dealing with the proceedings and powers of the tribunal and I do not think merit any special mention. Clause 8 is a clause which deals with the appearance of advocates in proceedings before the tribunal and reads: "It shall be in the discretion of the Labour Commissioner or of a tribunal, as the case may be, to permit or not to permit any interested person to appear by advocate in any proceeding under the provisions of this Ordinance."

The African members of this Council have been courteous enough to let me know some of the objections which they have to this Bill and one of them is to this clause. I understand that they do not wish to have this power to exclude advocates left to the discretion of the Labour Commissioner or a tribunal. They wish to have an unrestricted right for an advocate to appear. I think that the reasons are that they feel that possibly the workmen may not be quite so familiar with the English language or so well able to marshal their facts and put their case as the representatives of the employers, and they would therefore like to have



[Mr. O'Connor] an unrestricted right for an advocate to appear and put their case forward. That is a very understandable attitude to adopt and one with which I think we must all have a good deal of sympathy. On the other hand, I think I must put the argument on the other side so that hon. members can decide which is the proper course to adopt.

I have here a paper which has been prepared on the similar clause in the Trade Disputes Arbitration and Inquiry Ordinance. In that Ordinance the clause reads: "It shall be in the discretion of the tribunal, board of inquiry, or the Labour Commissioner, as the case may be, to permit any interested person to appear by advocate in any proceedings or inquiry." That section was previously contained in an earlier Ordinance of 1940 and was merely re-enacted in the 1948 Ordinance, and substantially now appears in this Bill. In the United Kingdom the Industrial Courts Act, 1919, has a provision, under section 9, that rules may be made "with respect to the cases in which persons may appear by counsel or solicitor on proceedings under this Act before the industrial court, before an arbitrator or before a court of inquiry . . ." and the appearance of solicitors or counsel in any such proceedings is prohibited except in accordance with those rules. The Industrial Court (Procedure) Rule 8 reads: "Persons may appear by counsel or solicitor on proceedings before the Court with the permission of the Court".

Other rules of court made under the section permit the appearance of advocates only with the consent of the court or of the tribunal, and an extract from the Industrial Relations Handbook, published by the Ministry of Labour, on this point reads as follows: "Representation of parties by counsel or solicitor is discouraged. Whether such representation should be allowed rests within the discretion of the arbitration authorities, but if either side is to be legally represented it is the practice of either side to be notified of the fact beforehand". A publication of the International Labour Office contains this passage: "Restrictions are often imposed on the appointment of advocates and representatives. As much as possible, the law tries to do away with the intervention of pro-

fessional lawyers before the Labour Tribunal".

So the position is, to sum it up, that the appearance of lawyers before labour tribunals in industrial disputes is discouraged. Both by international practice and in the United Kingdom itself it is, however, recognized that there are or may be cases in which their appearance is desirable or even necessary, and in such cases it is usual to notify the other side so that, if one side is represented, the other side may be similarly represented. I put that before hon. members quite objectively so that they can be guided by what precedents we have when they come to vote upon this Bill. It may be that these guides from the United Kingdom and so on are not entirely applicable here as the conditions are so different, but for my part I should like to hear some expression of opinion from the Council on that clause before coming to a definite decision as to my attitude towards it.

Clauses 12, 13, 15 and 18 are machinery recommendations, and I do not propose to say much about them.

Clause 14 is the next clause which will have to be mentioned. Since this clause was drawn—but I had better read the clause. Clause 14 reads as follows: "Where any trade union dispute referred to a tribunal involves questions as to wages or as to hours of work, or otherwise as to the terms or conditions of or affecting employment which are regulated by any Ordinance other than this Ordinance, the tribunal shall not make any award which is inconsistent with the provisions of that Ordinance". Since that clause was drawn it has been pointed out to me that there are various minimum wage orders made under an Ordinance which would be affected by reason of the fact that the Interpretation Ordinance includes orders in the interpretation of the word "Ordinance". Accordingly those orders would come within the term "Ordinance" under this clause, and the effect would be to make them static for all time and to prevent their being interfered with except by specific legislation. At all events, they could not be interfered with as a result of arbitration proceedings under this Bill. Now that is not the intention, and it seems to me that it is not a desirable result and, there-

[Mr. O'Connor] I shall move in committee the deletion of clause 14.

The next clause which I ought to mention is clause 18. That closely follows the wording of the United Kingdom conditions of employment and National Arbitration Order, 1940, to which I have already referred. It makes it an offence punishable with a fine of four hundred shillings or imprisonment for one month to take part in a lock-out or strike in an essential service, unless a trade dispute exists, and has been reported to the Labour Commissioner in accordance with the provision of clause 5, and 21 days or such extended time as has been allowed by the Member under sub-section (1) of that section shall have elapsed since the date of the report of the dispute, and the dispute has not during that time been settled or referred to the tribunal for settlement in accordance with that section.

Clause 19 makes it an offence for any person to declare, instigate, counsel, procure or abet a lock-out or strike in any essential service, unless a trade dispute exists and it has been reported to the Labour Commissioner in accordance with the provisions of section 5 of this Ordinance, and 21 days or such extended time as has been allowed shall have elapsed since the date of the report of the dispute, and the dispute has not during that time been settled or referred to the tribunal. That, of course, does not affect strikes in other than essential services. The Bill applies to essential services only. Far too often nowadays throughout the world strikes are instigated by unscrupulous agitators who deliberately deceive ignorant workmen by misleading propaganda and false promises into taking strike action and thereby losing their jobs and their livelihood. Very often those agitators care nothing really for the well-being or the conditions of employment of the workmen, but their object is to foment and create trouble. I could say a lot on that subject. I will say no more, except that Government does not propose that persons acting for their own ends should, by misrepresentation, counsel, procure and promote strikes in essential services without giving time for wiser counsels to operate, and without giving time for arbitration of grievances, and that it should then be

possible for those persons to sit back and allow their dupes to take the rap—if I may use that phrase—to suffer the consequences which come to those who take part in strikes and the hardships which they entail. It will be the intention, if this Bill is passed, to see that the liability for breaches of this Ordinance are brought home to the right and responsible persons.

Nothing in this Bill is an attack upon trade unions or upon responsible trade union leaders. If the case is good there should be no reason to hesitate to submit it to arbitration. The Bill is based on well-established and well- tried principles, accepted by responsible labour bodies. What it does is to curb attempts to secure, by holding a pistol to the head of the community, unjustifiable terms which would not be accepted by impartial arbitration. It also will discourage irresponsible or unprincipled leadership in the, as yet, immature but very important labour and trade union movement in this Colony.

MR. PIKE seconded.

MR. JEREMIAH: Mr. Speaker, despite what has been said outside I still feel that the Bill that has been introduced is necessary—(hear, hear)—because we all understand it is essential that any demand for anything at all should be made through a proper channel. Sudden strikes have happened sometimes actually not with benefit either to the general public or to the employer or the employee, and this Bill provides methods by which any dispute will be considered carefully and, in a word, the employee will be given a chance to appoint representatives who will speak with the employer to discuss grievances, and it is only when they come to an agreement that they make recommendations, and I believe the recommendations which are made ought to be accepted where the dispute is concerned.

Also I am glad to see that the Bill as it is provides for compulsory submission of grievances to arbitration. Such has not been the practice, and it is good for employees, and good for employers as well, to see that there is no benefit to be accrued by raising complaints or by making strikes before their grievances are actually known and considered. It is believed that the Bill as it is is going

[Mr. Jeremiah] to deprive employees of the right to strike, which is regarded by them as their main weapon of redress for their grievances. I believe the Bill does not deprive them of this—it does not deprive them of getting the chance to have their grievances considered and investigated, and if they are justified then something will be done. Our fear was that perhaps by this Bill many of the employees would not be given a chance to strike at all and would not be in a position to have their grievances listened to. I would like, when the hon. mover replies, to tell us specifically what would be the position of employees who have been ordered by the employers to do certain work in which there was no laid down agreement when they were employed. If they took strong exception to that and refused to do the work what would be the position between the time the dispute is sent to the Labour Commissioner for arbitration and between the time that a decision is made?

Particularly I would refer to a case which happened recently among medical trainees. They were not prepared to get on with their work. They were asking, would the employer lock them out, or would they be compelled to work, or would they have the right to leave their work because they were submitting their case to arbitration? Secondly, what would be the position with regard to employees who had grievances before such a law or regulation introduced for the benefit of their employment or the public generally is settled? How would they work under the proposed law before grievances are heard, such as happened in regard to the strike of the transport workers? Those are points where I think there is difficulty, and in waiting for 21 days while their dispute is decided, and I would like the hon. mover to tell us what would be the position in the interim period.

Finally, I do not say actually that I support the Bill or oppose it, but we propose to suggest some amendments, and depending on how those amendments are received we will decide which way we shall vote.

MR. MADAN: Mr. Speaker, may I, too, begin by congratulating the hon. Member for Law and Order on the very clear and lucid manner in which he has intro-

duced this Bill. There are only two points about the Bill which exercise my mind. I think in all fairness it must be conceded that the community has to be protected against unjustified strikes and unreasonable demands, but that does not mean that the workers should be deprived of their right to enforce their just demands by means of the ordinary weapon of strikes. That difficulty seems to have been overcome in this Bill by providing the machinery of arbitration, yet the Member for Law and Order did say, when he was introducing the Bill, that Government might from time to time increase the Schedule to the Ordinance, and that is exactly the point where the workers feel frightened, because, as the hon. mover himself pointed out, the Schedule might be extended to railway workers, to the milk industry, and other items. If that procedure were followed without restriction then it means that almost anything could be included in the Schedule to this Bill which would, of course, result in the workers being deprived of their ordinary right to strike.

I therefore seek an assurance that whatever other items are added to the Schedule, care will be taken that workmen are not deprived of their right to use the ordinary method of strike legitimately. I have said before in this Council that we do not hold any brief for trouble-makers. We wish to see the life of the Colony develop and progress peacefully. At the same time we also wish to see that the rights of the labourer and the working classes are protected. I should therefore like to have an assurance from the hon. Member that if and when the items in the Schedule are increased care will be taken that that procedure will not be used to be in conflict with the trade union movement.

The second point that not only exercises my mind but personally interests me is the question of advocates. I never knew that we advocates were such bad fellows as all that! I remember that when the Trades Disputes Ordinance, 1948, was introduced we were on that occasion quite mistaken that parties to the dispute before a tribunal of this kind should be entitled as of right to appear and be represented by counsel. I can say this, as the hon. Commissioner for Labour is also aware, that in that I had the support of the Law Society of the

[Mr. Madan]

Colony. Although we did not succeed in making our point then I wish to emphasize it now, and I ask that that right be considered.

The hon. mover has quite frankly given us both sides of the picture. He has told us about the trend of legislation in the United Kingdom, and also in the international field, but I do submit that conditions in the United Kingdom are entirely different. There you have a trade union movement which has developed over centuries, and the officials of the trade unions themselves are people who are able to look after and represent their cases properly, in some cases as well as counsel. Compare that position with the situation in this Colony. What you have is—I think it must be said, though with regret—an ignorant and illiterate working people, far less able to help themselves, and as the trade union movement is to-day I must say that even the officials are incapable of representing them adequately before a tribunal of this kind. For that reason I would ask the hon. mover to concede the point of my hon. African friends, taking into consideration the different conditions which prevail here and bearing in mind the fact that the parties to the dispute for many years to come will not be able to represent themselves.

Subject to that assurance, I beg to support the Bill.

MR. BLUNDELL: Mr. Speaker, in his reply would the hon. and learned Member explain to me the reasons for clause 9, paragraphs (1) and (2), which is the provision whereby the Press can or cannot be excluded from proceedings? I ask for information. It appears to me that if the Press is present and is able to give a fair summary of what has happened it is likely in matters of this sort to help rather than hinder, especially in regard to public opinion. I do not like the idea that the Press might be excluded. If that is the case, I think that sort of situation should be covered not piecemeal in individual legislation but by legislation if necessary dealing with the Press, although that is always a very dangerous and ticklish subject.

I should perhaps say that I have an interest in the Press, and what I want to say—I must just repeat it—is that I do not really like the idea that the Press

being allowed in or excluded should be a matter of individual cases. I think it should be definite one way or the other.

MR. O'CONNOR: Mr. Speaker, the hon. Member for African Interests, Mr. Jeremiah, asked what is to be the position of employees who are ordered to do certain work to which they object between the time that the dispute is reported and the time when the tribunal, if it goes to a tribunal, can produce an award. That was the question as I understood it, and I hope I am right. The general principle, as I understand it, is this, that the person should not break his contract of employment, the employer should not put out the workman, and the workman cannot go out on strike, in an essential service, until there has been a board to arbitrate the dispute. I cannot possibly hope to cover all the cases which might arise and all the circumstances which might arise, but I think that the general principle to be applied is this: if the work concerned is part of the ordinary contract of employment, then the employee should continue to do that work until it is arbitrated upon and the award of the tribunal is produced; if it is not part of the ordinary contract of employment, but something totally different, then different considerations would apply. I think that is as near as I can go to covering all the multifarious and different circumstances which might arise. It will be quite obvious that arbitration, generally speaking, should not take place in the atmosphere usually engendered by a strike, and should take place when the *status quo* is being preserved and the parties are not inflamed by the incidents which a lock-out or a strike might produce.

The hon. Member for Central Area, Mr. Madan, sought an assurance that whatever other items were added to the Schedule, the workers would not be deprived of their right to strike. I am not quite certain precisely what that means, because obviously, if another service was added to the Schedule and made an essential service, then the right to strike before this machinery had been employed, would be affected, but that is quite necessary to the conception of the Bill. The Bill is to allow time to operate for arbitration and conciliation in services which are essential. Naturally, no service would be added to the Schedule without the

[Mr. O'Connor] most careful consideration and without it being certain that it was necessary to add it.

The hon. Member for Central Area sought an assurance also that the point which was asked for by the African members, that they should be allowed to be represented by advocates in proceedings before the tribunal, should be conceded. I suppose that I had better declare an interest—(laughter)—as I am an advocate myself, but I am trying to look at this entirely objectively. I have given Council the case against, so to speak, but if my own feeling is anything in the matter it is this, that, although it may not always be desirable to have advocates present, and that depends entirely upon the advocate, it is very necessary that the workmen should not consider that they are being deprived of any right of any facility which they might wish to have to make quite sure that their case is properly put and that they will receive justice. I do feel that that is the overriding consideration, at all events in my opinion, but it is not a matter upon which I think that I in my position should give a definite lead. That is my own opinion, that the matter of assuring the workmen that they are not being "shove down", if I may so put it, in any way is paramount.

The hon. Member for Rift Valley raised the question of clause 9 (1), and that clause reads as follows: "The Labour Commissioner or a tribunal may, in his or its discretion, admit or exclude the public and representatives of the Press from any proceedings under the provisions of this Ordinance." That is taken almost word for word from section 17 of the Trades Disputes (Arbitration and Inquiry) Ordinance, 1948, which reads: "Any arbitration tribunal, board of inquiry, or the Labour Commissioner, as the case may omit or include the public and representatives of the Press from any proceedings under the provisions of this Ordinance". That in its turn is taken, as I understand, from the United Kingdom practice. There is no question of any attack upon the Press, or the right of the Press to be present, or the right of the public to be present, but I think it must be obvious to hon. members that, if conciliation is going to take place (and one hopes it

always will take place) and solutions be found that are satisfactory to both sides, an atmosphere where people can get round a table and talk the thing over is more likely to produce results than if everything they say is going to be reported in the Press next morning. (Hear, hear.)

I repeat that what I say is no reflection upon the Press. It is merely, I think, an expression of practical common-sense and human nature. I would suggest, therefore, that you leave that clause alone. It is not new to us, it is not new in this Colony, and it is advisable to retain it.

I think I have covered the points which were made by hon. members opposite. (Applause.)

The question was put and carried.

### EMERGENCY POWERS (AMENDMENT) BILL

#### SECOND READING

MR. O'CONNOR: Mr. Speaker, I beg to move: That the Emergency Powers (Amendment) Bill be read a second time.

This Bill is intended to remedy certain obvious defects in the Emergency Powers Ordinance, 1948. I do not think I can be accused of precipitancy in bringing it forward, because the first time I read the Ordinance, a very long time ago, I realized that it did contain certain obvious defects. The amending Bill is based upon a Federated Malay States enactment, which was passed in the year 1930, and, therefore, has no relation to the present emergency in Malay. This was used as a precedent because it is fairly complete and comprehensive and is in line with other legislation on the same subject.

The respects in which our present Emergency Powers Ordinance are defective are set out in the "Memorandum of Objects and Reasons" and are as follows: "The Emergency Powers Ordinance, 1948, is defective in that it—(a) does not expressly provide for the powers conferred by it to be used on occasions of emergency or public danger; (b) does not permit the making of a proclamation of emergency applying to a part only of the Colony or permit emergency regulations to be applied only to a part of the Colony; (c) does not define 'strike' or 'industrial conscription' or differentiate

[Mr. O'Connor] in essential services; (d) does not sufficiently indicate the subjects in relation to which emergency regulations may be made."

To say a few words on those paragraphs. It is a remarkable fact that our Emergency Powers Ordinance does not expressly provide for the powers conferred by it to be used on occasions of emergency or public danger, and I think hon. members will agree that it should so provide; and, secondly, it does not permit the making of a proclamation of emergency applying to a part only of the Colony, or permit emergency regulations to be applied only to a part of the Colony. That provision is not taken from the enactment which I used as a precedent, but is, I think hon. members will agree, a matter of common sense. One could quite well imagine that, if an emergency arose, and I hope an emergency will never arise, requiring the use of these powers, it might quite well arise in a part only of the Colony. There might be an emergency in Mombasa and none in Nairobi, or an emergency in Kisumu and none in Mombasa, or something of the kind. So that it seems to me to be a matter of common sense to allow the proclamation to be made with regard to a part of the Colony, and regulations to be applied to that part.

The Ordinance is defective in that it does not define "strike" or "industrial conscription", though those words are used, and it quite necessary that we should know exactly what is meant by each, so that I have endeavoured to define them. Regarding (a), I have set out those subjects in the Bill, and I think hon. members will agree that they are all subjects in respect of which emergency legislation should be enabled to be made. It does not mean that emergency regulations need to be made in respect of each, but there should be the power. That is taken word for word from the 1930 precedent which I mentioned, and there is nothing new about it. The advantage of stating the subjects is that when you have a regulation on that subject there is no doubt that it is within the powers of the Ordinance, and one does not want doubt at a time when there is such an emergency. If there are any doubts, it is better to settle them beforehand.

I think that is all I need say in introducing the Bill. It seeks to remedy those defects and to bring the Ordinance more into line with similar legislation elsewhere.

MR. PIKE seconded.

The question was put and carried.

### ELECTRIC POWER (AMENDMENT) BILL

#### SECOND READING

MR. HOPE-JONES: Mr. Speaker, I beg to move: That the Electric Power (Amendment) Bill be read a second time.

It is usual in countries that have developed sufficiently to have utilities of the kind like electric power and light to confer on the undertakers of that function, whether they be a private firm acting under an appropriate Ordinance or agents of Government directly or indirectly, certain protection when they carry out the functions necessary to achieve and for which they were created, to give them protection against nuisances created in carrying out that function. In doing that, undoubtedly there is some derogation from the rights of individuals affected by the undertaking. The only reason why that protection is normally given is that of public interest; there is no other reason.

What is the public interest? Public interest has been defined from the days of Plato through the days of Locke right down to the present time, and as far as I can see the only good definition of the public interest is the interests of the very great and overwhelming majority. But, and this is the other side, in defining the public interest in these terms, it is very necessary that that overwhelming majority should be jealous of the rights and interests of the minority lest they be crushed, and unless the public interest becomes a fair.

The principle of this Bill is as I have described, it is to protect the public interest, particularly the public interests of this town of Nairobi, soon to become a city, it is to protect the public interest of the industrialists, of the business men, of every household and every housewife, every woman and child in Nairobi. It so happens that the occasion of this Bill is a nuisance created by the generation of electricity in what has become a residential area. I do not want to bore

[Mr. Hope-Jones] hon. members by going back too far, but the Parklands power station was originally started before I and the hon. Member for Kiambu and one or two other members of this Council were born. (MR. BLUNDELL: Shame!) I quite agree with the hon. Member for Rift Valley that Kenya was unfortunate! At that time the power station site was overgrown with bush. The bush was cleared, the power station, on a small scale admittedly, was erected. This was taken over during the first world war by the predecessors of the present company. It has been operated and expanded by the present company as the need for electric light and power has grown in this Colony, and certain individuals wishing to build houses built them near the power station. They went to the nuisance.

It is true that in carrying out the instructions—or shall I say not instructions, but in carrying out the obligations of their concession the company has extended during the last few years the operations of this power station as it has done elsewhere. It has done that because it had to do it by the terms of its concession. During the war it was unable to get machinery. At the end of the war there was this vast demand for power and electricity, which is increasing at the rate of 20 per cent per annum in Nairobi alone. The site is unsuitable for a nuisance may arise created by this undertaking carrying out its statutory functions. The country is growing by leaps and bounds, and in passing I would ask hon. members to consider the implication of an increase in the demand for electricity, and remember that it is 20 per cent per annum and more in Nairobi alone. That is the criterion of what is happening, in what is rapidly becoming the metropolis of East Africa. I do not wish to go on too long about this matter.

I have made the principle, which is that this is a somewhat unwelcome duty that I have to undertake in pointing out what is the public interest of the overwhelming mass of the people of this country that all members to a greater or lesser extent represent. I have also said that it is necessary, bearing in mind that principle of the susceptibility and rights of the very small minority. The Bill is a short one; the objects and reasons are clear, with the exception that I do not

think I made it quite clear that this protection is given in almost every civilized country where electricity undertakings operate. But I appreciate that hon. members, in carrying out their duty to their constituents, may wish to do everything possible within the principle of public interest, to protect that small minority, and if hon. members on the other side move for a select committee Government will not oppose it. I would, however, stress that there is urgency in this matter, there is a real urgency. This particular power station I refer to supplies about 40 per cent of the electrical energy of this town. Imagine what would happen if in any way that production were interfered with. It would mean industrial chaos, it would mean distress among the users of electricity all over the town, it would mean cuts not just for an hour or two or three, it would mean cuts over the whole of this city, or rather town, of 40 per cent of 24 hours, 40 per cent of the load. That is a very serious matter. With those few words and in the light of the principles I have tried to define to the best of my ability, and on the understanding that Government will not oppose a select committee if it is asked for, I beg to move.

MR. O'CONNOR: I beg to second, and reserve my right to speak later.

*Council adjourned at 11 a.m.; and resumed at 11.20 a.m.*

MR. PRITAM: Mr. Speaker, I rise to oppose this Bill in its present form. I understand this electricity station at Parklands was to be a small producing station, but due to lack of rain for some time the Electric Power and Lighting Company have been compelled to supplement their generating capacity by installing new plant. If this amending Bill is passed it would mean the legalization of the perpetuation of a nuisance about which the Indian residents of that area have been already complaining for a long time. I do not think this state of affairs would be tolerated anywhere except in an area where Indians already reside. It is true that in the interests of the overwhelming majority much has been said, but what is really intended, it seems to me, is to safeguard the position of a private company, so that the company is not sued for damages for continuing the nuisance which they have for many

[Mr. Pritam] months. At a small extra cost they could have installed all the electric machinery at Ruiru instead of this place and thereby have avoided all this trouble, but despite the objections that have been raised, the letters that have been sent, and the help of the Municipality which has been sought, still nothing could move this all-powerful company.

I think, in view of the fact that that area where Parklands power station is situated has become now a fully developed residential area for Indians, something should be done. It is true the Indians themselves went there although there was a nuisance. Did they gate-crash? Did they not go there by the authority of Government? Surely someone is responsible? The Indians wanted some place to live in. They are still trying to go there because they have to live in a township area, however small it is. They have been compressed there. It is for this reason they had to go there. Rather than that Government and the Municipality should share the blame again it is said that the Indians went to the nuisance and not the nuisance to the Indians. It is the wrong way of thinking. Since this matter is going to a select committee I will not take up more time of this Council to speak further.

MR. MADAN: Mr. Speaker, I also wish to oppose the second reading of this Bill. I do so not because I am unmindful of the greatest good for the greatest number. I wish to do so not because I have received Press cuttings from Edinburgh, but I do so because I am not convinced that the legal principle involved in this measure is the correct thing to do. Although, in spite of what the hon. Member for Commerce and Industry has said, it is a small minority whom I represent, they are entitled to be heard and they have a right that their voice should be given expression to before hon. members in this Council. Like any other citizen they are entitled to voice their grievances and to seek the best and just treatment here.

My hon. friend Mr. Pritam has just made a statement that Indians went to an existing nuisance and that the nuisance did not come to them. I do not wish to enter into controversy with him, but I must say I beg to differ. I think he has

got hold of the wrong end of the stick. The fact of the matter is that due to the shortage of land and due to the lack of housing accommodation this particular area of the power house in Parklands was taken up by Indians as providing a means, an outlet, for them to build their houses and decent places to live in. When they did that there were no engines in the power house as there are now. It was a quiet place, run smoothly and run in a manner which did not create a nuisance for the residents in the adjoining area, but later, perhaps due to inefficiency or bad management or bad organization or bad running of the power station and partly, I understand, due to the drought, the company was forced to import engines which were noisy. In other words, it was not correct to say that the Indians themselves went to the nuisance. When the Indians went there the nuisance did not exist, or if it was there it was in an unnoticeable form, and people who lived in the area did not worry about it.

It is a matter for regret that we shall be suspected of saying that we oppose this Bill because it affects certain Indians living in this particular area, though that is one of the reasons for it. We feel that to seek legal protection for this company is wrong. As you know, this particular company enjoys a monopoly under the Electric Power Ordinance. As you also know, it exists for profit, and if that is the correct position it must be treated in the same way as any other business concern of a private individual. It should only ask that it be permitted to enjoy the ordinary legal rights and at the same time be subject to the ordinary legal liabilities. Perhaps my opinion would be different if it were an organization run by the State, and personally I think it is about time, because this is a public utility company, that the State took over this concern for the benefit of the public interest, as defined by the mover. I feel that this is contrary to the trend of legislation in other places. Take, for example, the United Kingdom. There, as you are undoubtedly aware, the Crown could not be held liable in certain respects unless one obtained evidence of nerve-shattering matters of tort and then proceeded by petition of right. All that was abolished during 1947 under the Crown Proceedings Act passed by the British Parliament in that year. Not only was

[Mr. Madan] the free right to sue the Crown given in matters of contract with the people, but also in matters such as the one we are dealing with, and one has only to read the first and second sections of that Act of 1947 to be convinced of what I am saying.

As you are also aware, sir, the Press in Nairobi has voiced that strong opposition to this measure be adopted. As you also know the Indian community interested, in the area surrounding the power station, has also voiced strong opposition, and as we now know from the report that appeared in the *East African Standard* a few days back, even the Municipal Council of Nairobi, mindful of its responsibility to all taxpayers, has recommended that this matter should be referred to a select committee. Therefore, I was personally glad to hear the hon. mover say that he would be prepared to accept that the matter be referred to a select committee if we asked for it. I do ask for it now, sir, and I hope that the undertaking that he gave will be immediately carried out so that all parties concerned will have an opportunity to voice their grievances before a properly constituted tribunal. For those reasons we cannot support this Bill, and we would like the residents of this area to be given an opportunity to come before the select committee and, if possible, convince them that their rights should prevail in this case against what is thought to be the power under this amending Bill—that they should have preference.

It surprised me to read that this Bill seeks to make this effect retrospective under clause 1, I think it is, and I was also surprised to read in the "Memorandum of Objects and Reasons" that you have only eight words in the memorandum dealing with an important matter of that kind; at the end of the third paragraph you have just one sentence consisting of eight words. It says, "Such orders may be made with retrospective effect", and I was surprised when the Member for Commerce and Industry did not even refer to the matter at all. I hope I am right in saying that. I hope I did not miss it when he was speaking. This is another reason why the Indian community feels that this Bill was designed to exclude the residents of the

areas surrounding from pursuing any legitimate remedy they might have against the company. I can only think that the hon. member did not refer to it at all, as I think he did not, because it is impossible to support an amendment of that kind. For these reasons I am glad that the matter will be referred to a select committee, and for the time being I will oppose the motion.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I rise to support this Bill, despite the qualms that I had when I first saw it. After thinking it over and discussing it and hearing the very lucid exposition of it given by the hon. Member for Commerce and Industry, I am convinced this Bill is necessary in principle, but I regret it is thought necessary to send it to a select committee, because it seems to me that all the outstanding matters which should be altered, and in my view should be altered in the Bill, could be altered by a committee of this Council. We are here to decide the principle. The select committee, once that principle is decided, can do very little to alter the questions which the hon. member Mr. Madan has raised.

MR. MADAN: On a point of explanation—

THE SPEAKER: How you are going to persuade a gentleman who is in front of you and who cannot see you to give way—I do not know, but you will have to get him to give way before you can speak.

MR. MADAN: I was hoping he would hear me and then give way!

THE SPEAKER: As you now have him down you may speak:

MR. MADAN: If I did not make myself clear my point was this—that the matter should be referred to a select committee before the Bill is read a second time, because otherwise, if the principle of the Bill is adopted by this Council, there will not be much object in referring it to a select committee. I doubt if a select committee could change or affect a principle adopted by the Council.

MR. MACONOCHE-WELWOOD: Mr. Speaker, as far as I am aware it is impossible to send a Bill to select committee until it has passed its second reading. I was under that impression.

[Mr. Maconochie-Welwood]

But there are two points I wish to raise, which seem to me unjust to the local residents, and they are these. Firstly, I consider that the Governor in Council should make these rules rather than Government, and the second is that after sub-section (2) of clause 2 some words should be inserted to the effect that notwithstanding any exoneration given by the Governor in Council, all reasonable precautions for the abatement of nuisance applicable to any particular plant shall be made by the licensee. I think, given those two things, it should be possible for this Council to pass the Bill and not send it to a select committee which will waste time. I shall not oppose its going to the select committee but I think it would be a great pity if it did so. We have a tendency here very often to send Bills to select committee not on a point of detail but on points of principle which a committee can in no way solve or alter, and for that reason I hope that the select committee will not be pressed for.

MR. BLUNDELL: Mr. Speaker, I should like to associate myself with the words of the hon. Member for Usin Gishu on the matter of a select committee. I do not intend to oppose sending the Bill to a select committee, but in this particular instance I believe it is the principle that is causing trouble and not so much the detail, and I believe it would be much better to put that principle through this Council and decide it without a select committee.

In regard to the Bill itself, I wish to draw the attention of Council to clause 67 (4). As it is drafted I certainly could not support sub-clause (4) of the new clause 67. I feel very strongly on the subject. I feel that here we are attempting to use the processes of law solely for the purposes of expediency. As it is drafted at the moment I certainly cannot support it and I intend, if it is not dealt with by select committee, to move in the committee stage amendments designed to limit that retrospective effect as severely as possible. In my opinion there is only one justification for any retrospectivity, and that is the factor that the power station might be closed down, with a consequent terrible inconvenience, which the hon. mover mentioned to this Council. If it were not for that, if it

was merely a question of money, I personally would not look at or even support any suggestion on the lines of sub-clause (4). I want to make that quite clear to the hon. mover now.

MR. ESKINE: Whilst the hon. Member for Commerce and Industry was introducing this Bill in his usual admirable and inimitable style, I got the impression that made me think he had been in part influenced, as I have been, by a recent article in the *Economist*, and he is already an adherent of the new party of the extreme Centre! Sir, to us novitiates in this new party there is only one attitude we can adopt in a Bill of this kind: we have got to take care of the greatest good for the greatest number, and we have also got to look after the rights of minorities, and our diligence in looking after the rights of minorities is increased very much by the insignificance or lack of power behind those minorities. A powerful minority would not, for instance, receive so much attention from us as would a less powerful minority.

I do hope that my hon. friends the Members for Western Area and Central Area will reconsider their present intention to oppose a second reading of this Bill, because, as I understand our Standing Rules and Orders, a Bill may be referred to a select committee on its second reading or some time during the committee stage, and if it does not pass its second reading then it would not be possible for us to take advantage of the generous gesture of the Member for Commerce and Industry and send it to a select committee. I believe that that is the answer to this problem. It seems to me that these members of this minority who, rightly or wrongly—probably rightly—deem that they have suffered damage or nuisance should be able to give evidence to such a committee, and their grievances should be examined by that select committee.

It seems to me that the implications of this Bill fall into two parts. It is a necessary Bill, as has been explained to this Council, a very necessary Bill, because it would be possible for the public to be very gravely inconvenienced by someone getting an injunction to prevent the continuance of the power station. That is one reason why I believe it is absolutely necessary that this Bill should

[Mr. Erskine] have our support, though perhaps not in this exact form. Then the other implication is a rather different one. That is the question of compensation for damage. Now that is quite another matter. I myself would be very gravely inconvenienced, and so would all my fellow citizens, by a cessation of the supply of power and light, but if I must have my power and light at the expense of some old widowed woman whose house is falling down about her ears then I would think twice. I would still want my power and light, but I would be willing to pay an extra one-tenth per unit for that power and light, so therefore for that reason alone I feel that it is very necessary that these questions should go to a select committee and that perhaps some just and acceptable alterations be made which will make the bill acceptable to all hon. members of this Council.

I do renew my plea that this second reading should, in the light of assurances given in regard to a select committee, have the support of all hon. members of this Council, as I feel in their heart of hearts, like me, they really belong to a party of the extreme Centre. I shall move that this Bill be referred to a select committee just as soon as the second reading has been approved.

MR. MADAN: On a point of order, sir, would you kindly give a ruling if the Bill can be referred to a select committee before a second reading or not?

THE SPEAKER: It has been done here before. If you do it will hold the Bill up for months, probably.

MR. MADAN: On a point of order again, sir, surely if it is referred to a select committee after its second reading it would still be held up for months? But I hope that will not be the case.

THE SPEAKER: If Council approves the principle of this Bill, sending it to a select committee will not involve any alteration to the principles of the Bill—that is quite clear. What you have been advocating is something that appears to me to be outside the scope of the Bill altogether. There is no petition before this Council from any person likely to be damaged by this Bill. All we are concerned with to-day is with the principles of the Bill, and whether it should be read a second time.

MR. HAVELOCK: Mr. Speaker, with regard to this matter of a select committee I believe that it would be wise—and I support the hon. Member for Nairobi South—to refer the Bill after the second reading to a select committee, really on the grounds of allowing the public to express their views and to receive certain assurances which I believe they would not be able to receive as clearly in any other way. They will be able to put their points of view and hear the arguments. I do not believe there is any necessity at all, even if it were the wish of this Council, to send the Bill to a select committee before the second reading, because the principle that I believe is in this Bill is that some sort of exemption from responsibility for damage and nuisance to a public undertaker should be given. That is the underlying principle of the Bill, with which surely nobody can disagree, but no doubt it is necessary to have certain protection clauses or protection phrases for the public to allow the ordinary man to appeal to the law on any particular avoidable nuisance or damage.

On the Bill itself, if it is going to a select committee, I would ask that the matter in sub-clause (2) of the new section 67, where it says "Wholly or to the extent specified in the order..." will be examined, because as it is worded there I believe it would give the right for the Governor to exempt an undertaker in all his undertakings; that is, to give him a complete and overriding exemption in whatever he may be doing in any part of the country. I do feel that this is going rather too far, and I would like to see the clause so worded that exemptions are only to be given for certain stations or certain power units specifically mentioned by name.

The other matter I would suggest to the hon. mover is that in a Bill or Ordinance of this sort giving rather large powers to the Governor in Council, whatever may be accepted, the Schedule should be laid on the table of this Council so that objections can be raised not only to the specific power station which is exempted but also to the extent by which this particular station is exempt under the words "to the extent specified in the second column of such Schedule" is mentioned as printed in this

[Mr. Havelock]

Bill. I do feel that the Legislature must have the last word in giving such exemptions, and with the other small amendments suggested by the hon. Members for Rift Valley and Uasin Gishu, if they are also inquired into by the select committee, I can support the second reading.

MR. O'CONNOR: Mr. Speaker, I should like to say a word or two on the question of law as it affects this Bill.

The ordinary principle is that anyone who creates a nuisance by vibration, or in any other way, is under a duty to abate it, and if he does not abate the nuisance complained of by his own voluntary act the person complaining can take proceedings in the courts for an injunction or for damages. That is modified by this principle that parties who exercise statutory powers or duties are normally protected by the common law to this extent, and I quote here from a leading case in the House of Lords: "When Parliament has authorized a certain thing to be made or done in a certain place, there can be no action if the nuisance is the inevitable result of the making or doing so authorized. The onus of proving that the result is inevitable is on those who wish to escape liability for nuisance, but the criterion of inevitability is not what is theoretically possible, but what is possible, according to the state of scientific knowledge of the time, having also in view a certain commonsense appreciation which cannot be rigidly defined, of practical feasibility in view of situation and of expense".

That principle, which is, so far as I know, of almost universal application where statutory undertakings are concerned, has been negated by our present section 67 of the Electric Power Ordinance, which says: "Nothing in this Ordinance or a licence shall exonerate the licensee, operator or owner, as the case may be, from any complaint, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by him". That reproduces a provision in the Electric Lighting (Clauses) Act, 1899, but that provision in England is usually modified so as to restore the ordinary common law protection to statutory undertakers which I have outlined, and it is suggested that we should do the same here.

I do not propose to go into the facts of this matter, which have been outlined by the hon. Member for Commerce and Industry, except to say this. He told us that this Parklands power station had been in existence before the date when he and the hon. Member for Kiambu were born (I do not know whether that was the same date or not); but he did not tell us when that event took place! (Laughter.) Now, I hope, I shall not be disclosing any awkward secrets if I say that, according to the statements of facts given to me, the power station has been in existence since 1908. I do not, as I say, propose to deal with facts, but I think it is clear that Nairobi cannot be left without a large proportion of its light and power. The promoters must be protected from liability for nuisance, at least to the extent that the nuisance is inevitably the result of their activities, within the principle which has been laid down and which I have just read. They should have that ordinary protection and, if it is desired to modify this Bill so that that is all they can have, I for one would have no objection. I think that could easily be effected by inserting a proviso to the new section 67 (2) of the Bill something on these lines: "Provided that the licensee, operator or owner shall not be excluded from liability for nuisance which is not the inevitable result of the generation, supply or distribution of electrical energy and is reasonably preventable, having regard to the circumstances and the expense involved".

The hon. Member for the Western Area who, as I perceive, and his constituency implies, does not belong to the party of the extreme Centre—(laughter)—has told this Council that there is something racial about this Bill and that it is directed against the Indian community. If I may say so with respect to the hon. member, I think that was an unfortunate remark to make, and I should like to say that in so far as I am responsible for the drafting of this Bill I did not even know, being a comparative stranger to Nairobi, that the majority of people affected belong to the Indian community. (Hear, hear.) He has said that they went there with the authority of Government. Well, I should be very much surprised to hear that they went there by any other process but that by which a person selects a piece of land

[Mr. O'Connor]

upon which he wishes to build a house, having obtained a title to do so. If there was any specific authority from Government to enable these gentlemen to go to that place, I have yet to hear of it.

The hon. Member for Uasin Gishu suggested that the words "Governor in Council" should be substituted for "Governor". I feel that there would be no objection to that. He also suggested that there should be a proviso to 67 (2). I have already dealt with that point and suggested the kind of proviso which I think would meet the case.

The hon. Member for Rift Valley raised the question of the retrospective operation of 67 (4). He said that this was using the process of the law for the purpose of expediency. I do not think that I quite follow the argument about expediency, but I am entirely in agreement with the hon. member to this extent, that I dislike retrospective legislation. (Hear, hear.) I think it probable that every hon. member shares that dislike. There are cases, however, when retrospective legislation may be justified. There is in the first place, here the question that we cannot, in the public interest, I suggest, permit this undertaking to be closed down to the extent of 40 per cent of the power available for Nairobi. We cannot therefore contemplate with equanimity the position where somebody might get an injunction to abate this nuisance, and that is a matter of public interest in which I think the Legislature must intervene.

Whether any order that was made under this Bill should also cover protection against damages is quite another question, and that is a question which would have to be considered by the Governor or the Governor in Council, if, and when any order came to be made under this Bill. The only justification, I suggest, for interfering with anybody's right to damages, if damage has occurred, might be that they "came to the nuisance", built their houses knowing what they were coming to, and therefore, ethically at least, might be said to have made their bed and must now lie in it—even if it is vibrating heavily! (Laughter.) That is a matter which would have to be gone into, as I say, by the Governor or Governor in Council, and possibly, if this Bill goes to a select com-

mittee, that is a matter upon which the select committee will report.

I am aware that there is a conflict on the question of fact as to whether or not the residents of this area did come to the nuisance. I understand that they did build their houses there after the station was erected; but, on the other hand, of course, the vibration has increased since they arrived there. I am not going into that question of fact, or what should be done about it, because, as I have tried to point out, the proper body to consider that would be the Governor in Council, if that change was made in the Bill, or the Governor or, maybe, the select committee.

The hon. Member for Kiambu said that he would like the word "wholly" to be deleted because it would allow an exemption to be made for all these undertakings. That, I think, would be, at least partially, covered by the insertion of the proviso which I have suggested, which would definitely limit the extent to which exemption from liability could be granted. That is another point which can be considered by whatever body has eventually to consider these points.

The next point made by the hon. Member for Kiambu was that the Schedule should be laid and any order made under this Bill should be laid on the table of Council. I think that there would certainly be no objection to that course. I am, generally speaking, in favour of the Legislature keeping control of this kind of thing and I do not think that Government would have any objection to an order made under this Bill being laid on the table of the Council, provided that it came into operation at once. In the usual way it would be rescinded if a resolution disagreeing with it was passed within 30 or 40 days, or whatever the time laid down might be.

I do not want to arrogate to myself the function of replying to the debate. I have merely tried to reply on the questions of law which were raised, and I beg to support the motion for the second reading.

MR. JEREMIAH: Mr. Speaker, I should like to know whether in this case any consideration would be given to compensation for damage done, or if there is any intention at all by the company concerned to try and remedy the position

[Mr. Jeremiah]

which has caused the nuisance. I should like an explanation, and if there is actually any intention that any nuisance which has been caused, and is going to be caused, should just continue without any consideration of hardship occasioned to the inhabitants of the place, I am sorry I cannot agree that it is a proper Bill.

MR. COOKE: Mr. Speaker, if I understood my hon. friend the Member for Law and Order aright, unless he wants to make assurance doubly sure, is it necessary to make these amendments? Are not those the considerations or the factors which the Governor would naturally take into consideration in any case before he issued an order? If he does not take those factors into consideration, well, I think it is a very dangerous expedient. I assume he would take factors of that nature into consideration, and unless, as I say, it is to make assurance doubly sure, I do not see the necessity for the amendment.

THE SPEAKER: Suggested amendment.

MR. O'CONNOR: May I, on a point of explanation, say that I think that the Governor or Governor in Council would undoubtedly take those factors into consideration, but it seemed to be the wish of the Council to make assurance doubly sure, and if that was their wish then I was merely indicating that there would be no objection from this side.

MR. MADAN: Mr. Speaker, on a point of order, after the hon. Member for Commerce and Industry has replied to the debate, and before you put the question, would it be in order for me to move that the matter be referred to a select committee or not?

THE SPEAKER: You can move that the Bill be referred to a select committee as an amendment to the motion now before Council. The motion before Council is that the Bill be read a second time. You can move that the Bill be read; you can do all sorts of things so far as that goes, but what you are trying to do I suppose is to leave out all words after "that" and put in words which will have the effect of committing the Bill now to select committee.

MR. MADAN: Please forgive my ignorance, but should I do that before the hon. Member replies, or can I do it now?

THE SPEAKER: You can do it any time. It will have to be debated if you do it.

MR. MADAN: I beg to move an amendment to the motion: That the Bill be referred to a select committee of this Council before its second reading.

MAJOR CAVENDISH-BENTINCK: Sir, may I suggest that the hon. member has already spoken in this debate once and has failed to move his amendment in debate? I think we are slipping on to rather a dangerous slope if we allow him to do it at this stage.

THE SPEAKER: The point is a technical one, and it did escape me for the moment that he had already spoken. He announced then his position and his wishes but he did not formally move. I agree with what the hon. Member for Agriculture has said that it is really too late to move his amendment now, when he has already spoken in the course of the debate, but any other member can move it who has not already spoken.

DR. RANA: If that is the position, I will take that burden on myself.

MR. MADAN: I beg to second.

MR. HOPE-JONES: May I have your guidance, sir. Am I entitled to reply to this?

THE SPEAKER: Not at this stage, because the motion you are wanting to reply to is for the moment superseded by another motion, a dilatory motion, of the kind which is proposed.

MR. HOPE-JONES: I am afraid that does not quite answer my question. What I mean is have I the right to speak on the amendment to the motion and still reply to the substantive motion?

THE SPEAKER: Without a doubt.

DR. RANA: Can I speak on the amendment?

THE SPEAKER: At this particular moment you are speaking on the motion before Council; that the Bill be read a second time. If in the course of the time you are on your feet you choose to move an amendment to that motion, it is within your power to do so.

DR. RANA: I have done it already, sir.

THE SPEAKER: Well, then, if you have nothing more to say I do not suggest you continue.

DR. RANA: Mr. Speaker, I have heard the discussion on this important issue and I feel that you have rightly pointed out that there have been many instances in this Council when Bills, after discussion on the second reading, have been referred to a select committee. I feel that the people living round about this area have a grievance and that it will do no harm to the Electric Power Company or to Government if the matter is referred at this stage to a select committee. I further feel that the community which has the grievance will at least have the satisfaction of appearing before the select committee and putting forward all the views we have heard on this point. That is why I hope that Government will accept this amendment.

MR. O'CONNOR: Mr. Speaker, speaking to the amendment which has been moved—

THE SPEAKER: It has not yet been proposed. I was about to propose it, but was waiting for a seconder.

MR. MADAN: I beg to second, sir.

THE SPEAKER: You have already spoken and are barred, as has already been pointed out. We are still in the stage of the debate that the Bill be read a second time, until somebody seconds Dr. Rana's amendment who has not already spoken.

MR. HOPKINS: I will second that.

MR. O'CONNOR: Mr. Speaker, speaking to the amendment which has been proposed and seconded, I suggest that it would be unfortunate if this Council were to get into the habit of sending Bills to select committee before their second reading. (Hear, hear.) As you, sir, have said, it has been done before; to my knowledge, only on one occasion, and on that occasion I think I am right in saying that a committee of the Council had already considered that Bill and had reported upon it. I cannot recollect exactly the circumstances, but I know there were very special circumstances in that case, and I suggest those special circumstances do not exist here. The question here is not whether the Bill shall go to a select committee or not, but whether it shall go before it is read a second time or not. Government has already announced that if it is the wish

of the Council that it should go to a select committee, they would not oppose that. The only point is whether it should go before it is read a second time or afterwards. I consider that the practice of sending Bills to select committee before they are read a second time is very much to be deprecated, and the reason is that until they are read a second time the principles are not established—the principles which this Council wishes to see carried out—and the select committee therefore has no guidance on principle.

I think that what I have ventured to put forward is supported by the wording of the rules of procedure concerned. Rule 69 reads: "On the second reading of a Bill the principle of the measure may be debated and if the question that this Bill be now read a second time is carried the Bill shall be referred, either at once or at a time to be arranged, to a Committee of the whole Council or to a select committee". It is obviously there considered that the Bill will be sent to the select committee after its second reading. Rule 79 reads: "A Bill may be referred to a select committee either on its second reading as provided in Rule 69 or while under consideration in Committee of the whole Council and the reference to the select committee may be in respect of the Bill as a whole or of specified clauses".

It does not say in so many words it may not be referred before a second reading, but I suggest the implication is quite plain. It is intended the Bill should be referred after its second reading, and the reason is as I have stated, in order that the committee—whether it is a select committee or a committee of the whole Council—may have the guidance of this Council upon principle before it considers the details. Upon those grounds I must strongly oppose this motion. No special circumstances have been shown here by which it would be an advantage to anybody that the Bill should go to a committee before the second reading, before the question is put on the motion for the second reading.

DR. RANA: I would like to say that after the explanation given by the hon. Member for Law and Order and after consultation with my colleagues, I withdraw my amendment and would let the

(Dr. Rana) matter be settled after the second reading.

THE SPEAKER: If Council agrees to the amendment being withdrawn the amendment will be withdrawn. I take it no one dissents.

If there is no other member wishing to speak who has not already spoken on the main motion I would ask the hon. mover to reply.

What is the matter with the hon. Member for Central Area?

MR. MADAN: I am feeling perfectly all right, sir. On a point of order, of course I have respect for your ruling, but you stopped me, or would not accept it, when I seconded the hon. Dr. Rana's amendment. At that time I was only supporting an amendment as the seconder.

THE SPEAKER: With great respect, you could not speak to the amendment until it was proposed from the Chair. When the new motion is put on the motion to amend then even those who have spoken on the main motion may still speak to the amendment because the new motion is interposed.

MR. MADAN: Thank you, sir.

MAJOR CAVENDISH-BENTINCK: Sir, I want to place this on record. I do not wish a ruling at the moment if you do not wish to give it, but I do feel the proposer of the original motion cannot speak against an amendment. It happened in this Council a few days ago. The proposer of an original motion spoke against the amendment and then replied to the debate—he spoke in debate. That is a new rule as far as this Council is concerned.

THE SPEAKER: When a new motion is proposed from the Chair that is something new and supersedes. It may have been the custom in the past not to do it. I will look it up again, and for the purpose of the record will give what I might call a reserved ruling on it at a later stage.

If there is no other member wishing to speak to the motion that this Bill be read a second time I would ask the hon. mover to reply.

MR. HOPE-JONES: Mr. Speaker, during the long course of this debate—not on the principles we were discussing, but

on other matters—I only hope that I will not have forgotten some of the points on which I wished to reply to hon. members on matters of principle. First of all that very important matter of my age and the age of the hon. Member for Kiambu. I am not quite sure how old the hon. Member for Kiambu is, but I can assure my hon. and learned friend the Attorney General that when I say I was not born when the power station at Parklands started operating I was telling the truth. I felt it should be put on record!

Turning to the motion before this Council, which is that a Bill entitled an Ordinance to amend the Electric Power Ordinance should be read a second time, I would point out, because otherwise I would be less than frank, that if this Council passes the second reading the principles of this Bill will have been approved, and if it then goes to a committee of the whole Council or to a select committee it can be amended in detail only and not in principle. I think it is very necessary to say that, because otherwise hon. members might be misled. The hon. Attorney General has indicated, I think, in every case that where matters which do not affect the principle of the Bill—which, as I define it, is that the public interest should be protected—in every case where an amendment has been suggested, I believe my hon. friend has been able to say, and I heartily agree with him, Government will not oppose it.

In the clear understanding that a second reading of this Bill, the approval of this Bill at its second reading stage, means the approval of the principles of this Bill, I think I need say very little more on that subject.

I said in moving that Government would not oppose the appointment of a select committee after the second reading. I said if there was an amendment on the other side of Council—opinion is quite clearly divided on the other side of Council, and I have consulted my hon. friend and this is the conclusion that seems to me to offer the fairest way of dealing with the question as to whether amendments should be made to the Bill along the lines that have been suggested and agreed by my hon. friend or in select committee—if the second reading is passed it will then, I imagine, be neces-



[Mr. Hope-Jones] sary for those who wish for a select committee—to propose that—the matter—be referred to a select committee, and when that question is put to the vote—because this is a matter for the elected and nominated representatives on the other side—Government will abstain. We feel that this is the fairest way of dealing with this matter.

There has been a division of opinion on the other side. Various amendments, various sensible amendments have been proposed from that side of Council and accepted on this side. All those amendments could be made to the Bill with very little delay in a committee of the whole Council, but other hon. members feel—and I personally have a great deal of sympathy with them—that the matter might go to a select committee so that people would have an opportunity of giving evidence, particularly as then all those amendments that have been suggested, I think it is fair to say, would probably be recommended to the Council by the select committee. It is a matter of choice and procedure, and I feel the course I have suggested is probably the fairest way of getting the sense of the Council. With those few words, and having made it quite clear the second reading of this Bill implies approval of the principle.

I beg to move.

The question was put and carried.

MR. ERSKINE: Mr. Speaker, I now, with your permission, beg to move that a Bill entitled an Ordinance to amend the Electric Power Ordinance be referred to a select committee in respect of the Bill as a whole.

THE SPEAKER: How do you make the form of the motion? I suppose it is in the rules, is it?

MR. ERSKINE: Oh, yes, sir.

MR. MADAN: I beg to second.

The question was put and carried.

### SPECIAL DISTRICTS ADMINISTRATION (AMENDMENT) BILL

#### SECOND READING

MR. DAVIES: Mr. Speaker, I beg to move: That the Special Districts Administration (Amendment) Bill be read a second time.

This is a short Bill, and is designed to afford control over the movement of tribesmen within the area to which the principal Ordinance has already been applied, that is to say, the whole of the Northern Province. This province consists of a very large area comprising a number of districts inhabited by tribes who are often hostile to one another. These tribes for the most part are nomad pastoralists, and to them the existence of water rights and grazing rights are, quite literally, a matter of life and death. As one can easily imagine in these circumstances, grazing feuds and inter-tribal feuds are not uncommon. For this reason it has been necessary to assign special areas of grazing and special watering facilities for specific tribes. This has been done under section 16 (a) of the principal Ordinance, and the use by one tribe of the grazing or watering facilities which have been reserved for the use of another tribe is an offence. At present, however, there is no legal sanction to control the movement of a tribesman from the area reserved for the use of one tribe to the area reserved for the grazing and watering of another tribe, and this lack of control presents real dangers, in that those areas are semi-desert and a tribesman moving alone through another tribesman's area may well get murdered, and the murder of one tribesman by another tribesman may well lead to widespread bloodshed and serious blood feuds.

Section 18 of the principal Ordinance lays down that a tribesman may not leave an area to which the Ordinance has been applied—that is the whole of the Northern Province—without a recognized document which establishes his identity. By the provisions of the Bill now before Council it will be necessary for a tribesman who wants to be allowed into the area reserved for the grazing and watering rights of another tribe, before he moves into such area, to get a permit under conditions laid down by the Provincial Commissioner. I have said previously in this Council that I do not like restrictions of movement of people when it is not absolutely necessary. Here in the Northern Province conditions are as I have described and this amending Bill is absolutely essential.

MR. PIKE seconded.

MR. JEREMIAH: Mr. Speaker, when the hon. mover was explaining the Bill he mentioned particularly tribes moving into another tribal land unit, but the Bill specifically refers to the persons themselves, not their cattle. I wonder whether it is necessary to define that the restrictions will only be imposed on people moving their cattle to another area, not on any individual who likes to go and see his friend at the other end of a district. If that is the case, we consider it to be unnecessary. We do not know how the issue of a document or pass will help, because if a tribe was hostile your pass would not protect you at all, I should like an explanation.

MR. CHEMALLAN: Mr. Speaker, I entirely agree with what the hon. Mr. Jeremiah has said. More than once we African members of this Council have voiced the disfavour of the Africans residing in the districts where this Ordinance which is being amended now applies. The hon. Chief Native Commissioner just now explained to us that this amending Bill is going to affect the administration of areas closed to the watering or grazing of cattle in the Northern Frontier, but the section which we are amending does not seem to do that. It seems to me that the amendment disallows people getting out of their present districts to go and see other parts of the Colony which are progressing.

Anyhow, as a compromise, I think it would be better if we had something defined that this is internal administration which simply controls the watering and grazing areas in these districts, because I do not think obtaining a pass or passport to go over the border from one district to another is going to make any difference, but if it is a question of moving with stock from one district to another, to closed grazing areas, that is a different matter, I should like an explanation by the hon. mover.

MR. DAVIES: Mr. Speaker, I will endeavour to answer those points. The purpose of this amendment is to control, or endeavour to control, the movement of tribesmen without stock. The control of the use of the grazing and watering facilities which have been specifically laid down for the use of one tribe by another tribe is already controlled under the principal Ordinance. But, as I endeavoured

to point out, what we are trying to control is the instance of a man going from his own area into another area, without stock, without using the grazing and watering facilities of another tribe, because if a man goes into the area reserved for the use of another tribe for grazing or watering, he puts himself in considerable jeopardy, and if the worst comes to the worst and a blood feud ensues Government has to step in and try to control the resulting chaos.

For that reason this Bill has in fact been brought to try and control that movement without stock. I entirely agree with my hon. friend Mr. Chemallan that the issue of a pass would not by itself prevent a man from being murdered. Of course it would not, but that pass would in fact not be issued if the Provincial Commissioner knew that at the time there was extremely hot feeling between the tribe of the applicant for the pass and the tribe into whose area he wanted to go.

The question was put and carried.

### PASSION FRUIT (AMENDMENT) BILL

#### SECOND READING

MR. GILLET: Mr. Speaker, I beg to move: That the Passion Fruit (Amendment) Bill be read a second time.

The Passion Fruit Board, to meet their own convenience, have requested that in future the financial year of the Board shall end on 31st December instead of 31st July. This change can be effected by an amendment to the Passion Fruit Rules, 1937, but if effect is given to this amendment, it is necessary automatically to amend the Passion Fruit Ordinance, 1937, to enable the Board to call a conference for the election of members of the Board in the first half of the year instead of the second half of the year, as exists to-day.

MR. PIKE seconded.

The question was put and carried.

### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. on Friday, 27th January, 1950.

Friday, 27th January, 1950

Council reassembled in the Memorial Hall, Nairobi, on Friday, 27th January, 1950.

Mr. Speaker took the Chair at 9.40 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 26th January, 1950, were confirmed.

#### BILLS

##### IN COMMITTEE

Mr. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider, clause by clause, the Essential Services (Arbitration) Bill, the Emergency Powers (Amendment) Bill, the Special Districts (Administration) (Amendment) Bill, and the Passion Fruit (Amendment) Bill.

Mr. PIKE seconded.

The question was put and carried. Council in committee.

##### Essential Services (Arbitration) Bill

###### Clause 3:

Mr. O'CONNOR moved: That the clause be amended by the deletion of the words "or on behalf of" in line 51.

The question of the amendment was put and carried.

###### Clause 5:

Mr. O'CONNOR moved: That the clause be amended by substituting the word "has" for "has" in line 19.

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

###### Clause 8:

Mr. MATHU moved: That the clause be deleted and the following substituted therefore—"8. Any interested person may at his discretion, appear by advocate in any proceeding under the provisions of this ordinance", which with leave he withdrew.

Mr. O'CONNOR moved: That the clause be amended by deleting all words from "it" to the word "permit" where the latter occurred the second time and to substitute the word "may" for the word "to" in line 3.

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

###### Clause 11:

Mr. O'CONNOR moved: That the clause be amended by substituting "workmen" for "workment" on lines 35 and 36.

THE CHAIRMAN: Could we not have a rule which would permit the Clerk or the Attorney General to make corrections like this without formalizing them in this way?

Mr. O'CONNOR: I entirely agree. That power did exist in another territory.

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

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

###### Clause 14:

Mr. O'CONNOR moved: That the clause be deleted and clauses 15 to 21 re-numbered as 14 to 20.

The question was put and carried.

###### Clause 15:

Mr. O'CONNOR moved: That the clause be amended by substituting in sub-clause (1) the words "in the discretion of the remaining arbitrators or arbitrator" for the words "with the consent of the parties" in line 5.

The question of the amendment was put and carried.

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

###### Clause 19:

Mr. O'CONNOR moved: That the clause be amended by substituting "section 17 or 18" for "section 18 or 19".

The question of the amendment was put and carried.

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

###### Clause 21:

Mr. O'CONNOR moved: That the following new clause 21 be added: "Additions to Schedule, 21: The Governor may at any time hereafter by notice in the Gazette add services to the Schedule. All notices issued under this section shall have the same force and effect as if they had been enacted in this Ordinance and shall be laid as soon as conveniently may

be before the Legislative Council and if a resolution is passed within forty days of their being so laid before the Legislative Council praying that any such notice shall be revoked or amended such notice shall henceforth be deemed to be revoked or amended, but without prejudice to anything done thereunder".

The question that the clause stand part of the Bill was put and carried.

##### Special Districts (Administration) (Amendment) Bill

###### Clause 2:

Mr. CHEMALLAN moved: That the clause be amended by inserting before the word "unless" on line 13 the words "for the purpose of watering or grazing stock".

Mr. VASEY: On a point of information, may I ask what powers section 16 (a) of the 1934 gives, because if it gives the powers shown in the "Objects and Reasons" this amendment is quite redundant.

Mr. DAVIES: The point made by the hon. member is correct. This amendment is covered by section 16 (a) of the existing Ordinance, and the object of this Bill is to give control over the movement of tribes from one area to another whether they have stock or not. They are just as likely to get murdered if they have stock or if they have not. Government is unable to accept this amendment.

THE CHAIRMAN: As I understand it, section 16 (a) has the same effect now as it would if this amendment was carried. This is therefore a direct negative, and members might just as well vote against it as to try to restore the *status quo* with an amendment which is redundant.

Mr. MATHU: Mr. Chairman, our point was that there should be freedom of movement. The hon. Chief Native Commissioner argues that whether a person has stock or not he is likely to be murdered, and we say that he is likely to be murdered anyway whether he has a valid pass or not, and therefore it would probably give more freedom to these people, but let us restrict movement only when he has stock. That is our point.

Mr. DAVIES: That point was made by the hon. member Mr. Chemallan yesterday, and I said that whether a man had

a valid pass or not it made little difference whether he was murdered or not. The point was that if a man applied to go from an area reserved for tribe A to the area for tribe B and it was known that they were likely to cut each other's throats at the first opportunity, he would be unlikely to get that pass.

Mr. JEREMIAH: I think the principle is very wrong. I believe personally that to restrict people to their respective areas and allow them no freedom of movement outside will prejudice the situation, because they will not get into contact with each other and there will be no way of improving their relations.

Mr. VASEY: On a point of order, is it right that at this stage we should begin to debate the principle of the original Ordinance? The only thing under discussion is the amending Bill.

THE CHAIRMAN: What I am trying to find is a copy of the 1934 Ordinance, when I can see whether this amendment is merely a direct negative of the motion that this clause stands part of the Bill.

Mr. MATHU: On the point of order. We are not debating the principle. We accept the principle of restriction only when a man has stock, and we explained why we are moving the amendment. It is not the principle we are discussing, we are only restricting where people have stock.

Mr. VASEY: The hon. member will notice that I did not interrupt him or the hon. member Mr. Chemallan, only when the hon. member Mr. Jeremiah proceeded to go far beyond the amendment.

Mr. JEREMIAH: The amendment is confined to the principles of this amending Bill, not the original Ordinance. This is going to restrict the movement of people.

THE CHAIRMAN: I will endeavour to rule in a moment or two if members will allow me to look at the principal Ordinance. I cannot see the point of the amendment, and as I am advised at present it would not make any sense at all in view of section 16 (a). The whole effect of this amendment would be to effect of this amendment would be to destroy the new section proposed. You may continue to debate it.

Mr. COOKE: Would it not be out of order in that case?

THE CHAIRMAN: I do not wish to enforce my powers too strongly on a very technical matter, the construction of a



THE SPEAKER: That is the difficulty.

MR. O'CONNOR: The passage which I was going to quote was as follows: page 704—"Resolutions reported from the Committee of Supply are considered according to the practice observed regarding other reports from Committees of the whole House."

There is then a reference from page 575 which reads as follows: "When several resolutions are reported, each resolution is read and either postponed, or considered and disposed of by the House, before the next is taken. Amendments may be moved immediately after the clerk has read the resolution; and after such amendment has been disposed of, or if no amendments are moved, the Speaker proposes the question 'that this House doth agree with the committee in the said resolution', and upon this question debate may take place; but, once it has been proposed, no amendment (or further amendment) may be moved."

To return to page 704 that I was reading from before, the procedure is: "No question is proposed for the second reading of a resolution but each is read from the table in its order as reported, and this is taken to constitute its second reading. The interval between the reading of the resolution and the proposal of the question, 'That this House doth agree with the committee in the said resolution', affords the occasion for the proposal of a reduction of the sum specified in the resolution".

That is the time when a proposal for the reduction of a sum specified in the resolution can be made. Then it goes on: "as no amendment can be moved after the proposal of the question, that this House agrees with the Committee in a resolution". There is no doubt that the proposal was put from the Chair, that this Council should agree or adopt the report of the Committee.

I suggest that we should be out of order in permitting amendments to that resolution moved by my hon. friend the Chief Secretary at this stage. We are not precluded from a debate on this resolution. We are, I suggest, precluded from debating a resolution for an amendment which was moved too late. I think it is important that we should keep to the practice.

If I had had any inkling from the hon. member opposite of what he intended to do, I should have warned him of the stage when I thought that it was right the amendment should be moved, and there would have been no trouble, but unfortunately the proposal has now been put and I suggest that an amendment cannot be debated. But as we have no desire to stifle debate, if that is desired, the way out seems to me to recommit to the Committee. A motion to recommit can only be made by an official member but, if it is the will of Council that, having considered all this already, we should once more go back into Committee, well then, if someone on the other side can propose a recommendation to Government that that should be done, and, if it is carried, then an official member will move the recommitment. But I do suggest, sir, that we cannot at this stage, the question having been put—and "put" was the actual word used from the Chair—we cannot debate amendments to the motion.

MR. COOKE: Could we adjourn for 10 minutes, and save time perhaps?

THE SPEAKER: If you wish to have an adjournment, then I think it ought to be formally moved.

MR. VASEY: I beg to move that this Council adjourn for 15 minutes.

THE SPEAKER: Council will adjourn till 11 o'clock.

*Council adjourned at 10.40 a.m. and resumed at 11.15 a.m.*

MAJOR KEYSER: Mr. Speaker, are you going to make a ruling, or the Attorney General?

THE SPEAKER: I hoped you would take a course that might avoid my making a ruling. If you do not I will have to make a ruling.

MAJOR KEYSER: I would like you to rule on my amendment, whether it was in order or not.

THE SPEAKER: The difficulty that we have and will have so long as the Standing Orders remain in their present form is this rule Standing Order No. 1, which provides 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 which shall

[The Speaker]

be followed so far as they may be applicable to the Council and not inconsistent with the following Rules and Orders nor with the practice of the Council". That is a very comprehensive sort of rule and a very difficult one to apply, I think members will admit.

Now we have got Standing Rule and Order No. 43 (vi), which is very lengthy and which has been in force for about two years, relating to the Committee of Supply, and last year when the report from the Committee of Supply was brought up, as far as I recollect it was proposed without any difficulty. I cannot say that in one year we established a practice, I am not attempting to base my ruling on that at all, but I would point out to hon. members that last year they had no difficulty. They considered they had discussed the matter sufficiently in Committee of Supply and had no desire to move any amendments. This year there is a desire to continue the discussion further, and I have no alternative but to try and apply rule 1 as far as I possibly can.

On the report stage in the House of Commons, there is a special and very definite procedure, and it is a procedure that, as far as one can see by Erskine May, has very rarely been used in modern times—but that procedure is specific and involves always the use of forms which we have not hitherto followed, such as the form of the vote in the Committee of Supply. In the Committee of Supply the vote taken is very definitely a grant of money, and these grants of money are expressed in resolutions; the resolutions are brought up in the full House of Commons and at that moment they are read by the Clerk of the House, and that is supposed to constitute a second reading. At that stage, when they are read, it is possible for a member to rise and move that the sum named in the resolution should be reduced by a certain amount. But, as I say, that practice, or that sort of method, has not been adopted very much in modern times at all. Here we have not got the same form of estimates we have not got the same amount of estimates, or the division made in the estimates, that they have in the House of Commons. It is compared to the House of Commons, a comparatively simple matter, though

quite complicated enough to us, and here always the report stage has been a matter of moving a resolution that the report be adopted. That has always been the practice of this Council, as far as I can ascertain, in the past. Somebody moves a motion that the report be adopted. This particular report was oral. It was read out by the Chief Secretary, and though he moved there is a moment of time in which there is a space for a member to rise and say that he proposes to move an amendment to reduce one or other of the particular heads.

On that day I only pointed that out quite shortly, and after saying that there was a moment then to reduce the total sum of the whole report—which I take it I then did not allow, as far as I recollect—I did not put it, and the matter was then in that stage when there was an adjournment, and after the adjournment the hon. Member for Trans Nzoia rose and moved that the total of Head 4, Secretariat, be reduced by £9,000. Now, is that too late? That is the whole question—whether that attempt to put that before the Council is too late or not. Strictly, according to House of Commons practice, it is too late, and therefore I must rule it out of order, so that it has to drop, and that will apply to any other motion now to reduce a head. I hope that I have made the matter fairly clear, but it is a very difficult problem to deal with.

MR. O'CONNOR: Might I repeat the offer which I made before, that if any hon. member on the other side desires to move a recommendation to Government that Heads so and so, whatever they are, be recommitted, a vote can be taken upon that motion, and if it is carried then an official member will move. As I have said before, there is no desire to stifle further debate; if it is the will of Council that there should be further debate.

THE SPEAKER: I am in great difficulty there again, if this procedure is to be strictly applied. If a debate arises on a resolution, or, as we report ours together, we will call it the report, apparently the postponement of the consideration thereof may be proposed, or a motion may be made for its recommitment, but the latter motion cannot be moved by an unofficial member, as the only object of recommitting a resolution (except for the purpose of correcting an error) is to increase its

[The Speaker] amount, which cannot be done except on the motion of a Minister. (P. 705, Erskine May.) Here possibly what members are trying to do is to return a further reduction, and for you to offer to recommit when the only object of recommitting would be to increase, does seem to me unnecessary, if I may say so, and I would think the best course to be pursued would be for members now to debate the motion which is before the Council, that the report be approved.

MAJOR KEYSER: Mr. Speaker, I rise to oppose the motion.

I regret that this situation has arisen and would first of all like to make a protest against us being tied to the very complicated procedure of the House of Commons, with no expert to whom we can refer a matter of this sort. Members on this side of the House have often protested against not having a Clerk to Council who would do the business of the Council and who presumably would know the correct procedure. (MEMBERS: Shame.)

I am taking the step I am to-day because in my opinion the Committee of Supply did not have all the information put before it that it should have had. In the debate on the estimates for 1948 we on this side of the Council criticized the Secretariat vote, and the hon. Chief Secretary said himself that he was worried about the total amount of that vote, and that Government had decided to bring in industrial consultants to investigate the organization of the Secretariat. In the debate in Committee of Supply on the 1950 estimates the hon. Member for Kiambu asked whether the industrial consultants had reported, and the hon. Chief Secretary in reply said that they had made some reports and—I am speaking from memory because I have not got a Hansard of it—he stated in my recollection that the industrial consultants had made some reports and these would probably lead to some economies.

Whatever his intention was in making that reply it certainly left me with the impression that the report of these industrial consultants was really not of very great importance, but I did ask the hon. member, by sending a note across, whether I could see these reports, and a few days later I received them. I read them and I came to the conclusion that

those reports would have resulted, if they had been put in action, in very material economies being effected in the Secretariat vote. The final report was not among the ones that I received, and at a later date I asked the hon. Chief Secretary if I could see the final report. To this date I have not seen it, but I understand that this final report did show that an economy of some £15,000 to £18,000 could be effected in the Secretariat vote. Seeing that in the 1949 debate we were anxious to reduce this vote, and in view of the investigations of the industrial consultants, I think that it was at least not tactful to increase the Secretariat vote for 1950 by some 30 per cent, and in the debate where we questioned this vote that we should not have been told of the exact recommendations of this industrial consultant and the probable effect that it could have had on the Secretariat vote. Had the hon. member said that during this year it was the intention of Government to give effect to those recommendations I think, sir, that our whole attitude to that vote might have been changed, but I saw no indication of that at all. All I saw from this side of the Council was a resolve to fight every single item on which we tried to get a reduction, in spite of the fact that this industrial consultant had recommended important reductions.

That, sir, is the main reason why we have adopted the attitude that we have over this Secretariat vote, and on those grounds I am going to oppose the motion before the Council. I beg to oppose.

DR. RANA: Mr. Speaker, I should like to hear the reply from the hon. Chief Secretary to the charges made by the hon. leader of the European Elected Members Organization before I say anything. If I cannot be permitted, I should like to remain quiet.

THE SPEAKER: If the hon. member replies, the question will have to be put, but before the hon. member replies it is open to the hon. member to rise and speak.

MR. O'CONNOR: Mr. Speaker, my remarks will be very short. I am afraid I do not know anything about the merits of the Secretariat vote, but upon this question of procedure I entirely agree with the hon. Member for Trans Nzoia that it is sometimes unfortunate that we find ourselves bound by House of Com-

[Mr. O'Connor] mons procedure, where the position is very different. As I pointed out, the Government there has a majority. (MAJOR KEYSER: They do not invoke it.) On an occasion like this no doubt, as I have already said, they would invoke it at once, but what I wanted also to say, if I may, is that I have been and am at all times ready, if asked, to give any member of the Council such advice as I can upon any question of procedure. Possibly there are occasions when hon. members on the other side would not wish to avail themselves of that, and evidently this was one, but I am and always have been ready to give any hon. member advice on a legal matter, without any bias of any sort.

MAJOR KEYSER: On a point of information, could I ask the hon. member, following the House of Commons procedure, whether the Attorney General is the authority on procedure in the House of Commons?

MR. O'CONNOR: No, sir.

MAJOR KEYSER: Then I was following the House of Commons procedure by not referring it to you.

MR. O'CONNOR: In the absence of the qualified people that you have there, I was prepared to do what I could. That is all I am trying to indicate.

MR. RANKINE: Mr. Speaker, the hon. member for Trans Nzoia said that he wished to make a strong protest at what he called being tied to House of Commons procedure. I ought to remind the Council that long before this debate took place I took the trouble to work out and suggest to hon. members opposite a better procedure. I got no reply to my suggestions, and on making reminders I was informed that this particular procedure was what hon. members opposite wanted, and that, sir, is the only reason why it was adopted. The hon. Member for Trans Nzoia, when he makes his protest at being tied to this particular procedure, is not quite being disingenuous about it.

Also, as my hon. friend the Member for Law and Order has suggested, we would have been only too happy to give such advice and assistance as we can in this matter, but we were not even advised in advance that it was proposed to do this, and as a result we have got ourselves into difficulties. But we have sug-

gested a procedure to get out of those difficulties, and I do not think it is right to try and pass the responsibility for the difficulties in which certain members have found themselves on to Government.

The hon. member went on to refer to the debate on the subject of the Secretariat, and he said first of all that the office consultants had made certain reports and that he had asked for them, and that the final report had not been given to him, although he had asked me for the final report. I think the hon. member might refresh his memory on that particular point. He asked me for the reports which had been made, and I gave them to him, with the exception of one which, incidentally, was not the final report; it was a report which I had only just received. It was not a report rendered in the ordinary course of the examination of the Secretariat in accordance with the arrangements made with this particular firm. It was a report which I asked for myself personally, to be made to me to give me an idea of what the total effects of these recommendations might be.

The consultants began their inquiries on the 23rd June, and continued from then until the 19th December, when the final report was submitted—I would remind Council, the 19th December. At the time the hon. member asked me and at the time the debate took place, we had not actually received the final report. They submitted in all ten reports. One of these, as I have said, was a report made to me personally, because I asked for it for certain special reasons, but I should be only too happy to make that report, and the final report, available to any hon. member who would like to see it. The reason why I have not yet made it available to the hon. Member for Trans Nzoia is that it contains recommendations which we are still examining and which we hope to be able to put into effect, but which I am not certain can be adopted. The reason for that is that they did not recommend that certain work should be done, but that certain work could be passed from the Secretariat on to departments, and that means, of course, that work has to be done by someone that work has to be done by someone else. I hope it will mean that less is done in the Secretariat. But it has to be done, and in the meantime, until we know what it is to be done by, it is not possible to say what the total effects will be.

[Mr. Rankine]

The hon. member went on to say that had I said anything in the debate to give the Council an indication that recommendations had been made which would lead to reductions in the Secretariat, they would have been in a much better position to criticize and to study the estimates of the Secretariat. I think his inference was, quite clearly, that I had hidden the fact that recommendations had been made which might possibly result in reductions to the Secretariat. Again, I would like to refresh the hon. member's memory, because I did disclose the fact that these recommendations had been made. I have here a copy of the record of what I said. I said: "In addition to that, as the Committee is aware, the Secretariat has been under examination by a firm of expert office consultants. They have been examining it very carefully, and they have submitted a number of reports, all of which are aimed at improving the organization and efficiency, and at effecting savings. I am glad to say that nearly all the major recommendations made so far have already been put into operation".

And I went on to add: "On the other hand, we have been examining the Establishment Section of the Secretariat very carefully indeed. The firm of office consultants have made a very special study of the Establishment Section and we hope that a very great improvement can be made there, particularly by delegation to departments. This is being done, but it will, of course, be some time before the full effect of that reduction or that re-organization becomes apparent, but we do hope that when the effects do become known, it will lead to a substantial saving". (Applause.) "What exactly those savings are likely to be I cannot say exactly at this stage, but I do hope they will be considerable and that unless the volume of work continues to increase that there will in fact in due course, I hope during the course of next year, be a reduction in staff".

I think that is a complete answer to the allegation which has been made by the hon. Member for Trans Nzoia, and I think that, in all due fairness, he ought to withdraw what he said. But, as I was saying, it is not possible yet to know exactly what the savings will be. In fact, to take a quotation from Mr. Shillam's ninth report, he says: The "reduction in

establishment can only be achieved gradually and the full effect will not be apparent until 1951—one of the recommendations is aimed, as I have said, at reducing the volume of work. It will have the effect of transferring the work to another department, and although, of course, that means that less will be done in the Secretariat, it may mean that the other departments may have to have their staff increased in order to carry the work on, and it may merely result in the necessity to transfer certain officers from the Secretariat to the departments where this work is going to be done.

As I have said, the only reason why I have not made all the reports available so far is that we are still studying them, and that I had hoped when I passed them on to be able to say exactly what we were doing. But I would repeat that, at the time the hon. member made the request to me, the final report had not yet been received, and the other report—the only report which I had at that time which I had not passed on to him—was a report made personally to myself, at my own request, which was outside the ordinary series of reports, in order to give me an indication of exactly what the effect would be in certain directions that I had discussed with the expert consultant himself. I shall be only too happy to make those reports, including the one that was made to me, available to any hon. member of this Council who would like to see them.

In conclusion, I would again refute the allegation that the fact that this consultant had made a study of the Secretariat and made recommendations was hidden from this Council. That is quite wrong, and I think the extracts from my own speech that I have just read are a complete answer.

MR. VASEY: On a point of order, as it is likely that this may go to a division and a grave responsibility rests therefore upon the members of this Council could either you, sir, or the hon. Attorney General, outline to the Council the constitutional position should this report be rejected?

THE SPEAKER: Let me first of all suppose that the report is adopted. The next stage would be the introduction of an Appropriation Bill to be passed as an Appropriation Ordinance. On the second reading of that Appropriation Bill it will be open to members to criticize

[The Speaker]

again administrative policy, and even on the third reading, but if the report now is passed the amounts under each total head will appear in the schedule to the Appropriation Ordinance. The House of Commons rule is that as those sums had been considered in Supply and had been passed by this House itself on the report stage, no amendment to those sums is permitted. If, of course, at the present stage this motion is not carried, well, we are somewhat perhaps in a minor political deadlock. But this Council has already passed an Appropriation Ordinance on the understanding that, if alterations were made in Committee of Supply, they would find an appropriate place in the Appropriation Ordinance. If now you refuse to pass the report, then we are simply standing where we were.

MR. VASEY: On a point of order, does that mean in fact that, in order to fulfil the implication in the Appropriation Bill, 1949—that was the Ordinance to which you have just referred—it should be altered and amended in accordance with the Committee's decision, that we should indeed have to have a further stage of Committee of Supply in order to make sure that reductions and economies already effected?

THE SPEAKER: I do not think it would be necessary to do that. If you do not pass this report no further Appropriation Bill can be introduced, as I see it. You either confirm what we have done in Committee or throw it over. I do not know whether the Attorney General wishes to add anything to that. There is the question of certification under the Royal Instructions, but that is not a matter for me.

MAJOR KEYSER: On a point of explanation, I have refreshed my memory as the hon. member asked me to do, sir, and my recollection is that he did send me the original reports, and, as I stated later in discussion, he told me there was another report which I thought was the final one. He says it was a special one. As I understand it, it laid out the actual number of personnel and the total amount of the economy that could be made. I then asked him if I could have that report, and that is the report I say I have not had. I asked for it at a later date than the other.

THE SPEAKER: A point of explanation only allows a member to rise at this stage to correct any misconception of his former words.

MAJOR KEYSER: I thought, sir, that was what I was doing.

THE SPEAKER: I thought you were continuing beyond that.

MAJOR KEYSER: On another point. The other point was that I understood that these industrial consultants were examining the establishment that existed in 1949 and their recommendations would result in an economy on the 1949 establishment. In spite of that we have a 30 per cent increase on the Secretariat vote over and above the 1949 establishment vote.

THE SPEAKER: We are clapsing into a delightful informality!

MR. COOKE: Shall I be permitted to speak later on?

MR. DEVERELL: On a point of real explanation, sir—

THE SPEAKER: You have not spoken in this debate. Do not break your unbroken record by being immediately out of order!

MR. RANKINE: I do not know whether I can stretch a point—

THE SPEAKER: A certain amount of latitude must be allowed to a minister in an *ex officio* position when a matter like this is raised.

MR. RANKINE: I can stretch a point of explanation as far as the hon. Member for Trans Nzoia is concerned, May I read exactly what is said in the memorandum on the Secretariat? "The proposed increase under this Head is £28,784. Of this about one-third is attributable to inescapable expenditure on leave pay to retiring officers and the payment of travelling and subsistence allowances to unofficial members of the Executive and Legislative Councils. Another third of the total is accounted for by new posts created on the recommendation of the Standing Finance Committee. The balance is made up of acting allowances, reliefs (there being an unusual number of senior officers proceeding on leave in 1950) and normal increments".

[Mr. Rankine]

It is hardly correct to try and interpret that as being an increase of £30,000 in increased staff, and as I have already pointed out the office consultants themselves said that their recommendations would not become fully apparent until 1951. As I have also said, we are hoping to put into effect the whole of the recommendations of the office consultants. May I end up by saying that the recommendations of the consultants represent reductions on the 1950 establishment and not on the 1949 establishment.

The question was put and carried.

## KENYA MEAT COMMISSION BILL.

### SECOND READING

MAJOR CAVENDISH-BENTINCK: Mr. Speaker, I rise to move the second reading of a Bill which has a very long title. The short title is: "The Kenya Meat Commission Ordinance, 1949"—that will have to be, of course, 1950.

Speaking to this Bill, it is necessary, I think, for me to explain why a Bill of this nature is necessary, why we feel that an organization of the type envisaged in this Bill is required, and I think I must explain something of what has led up to our decision in this regard. This Bill is a combination of many years of effort to create what has been considered by a number of people as an essential basis on which to build the agricultural development of this Colony. As far back as 1936 the then Director of Veterinary Services, Mr. Daubney, had produced plans by no means dissimilar to those which we have in mind at present and for which this Bill makes provisions. We hear a good deal about the Government's lack of any agricultural policy. We are shot at fairly frequently for not doing this or that. Such things are quoted as provision of cheap finance; that we do not realize fully that too much stress is laid on cereal production and not enough on the animal industry; assured markets are mentioned; stability as regards prices are mentioned; and the question of research and so on is often touched upon.

I would point out that in order to try and implement what I maintain is our agricultural policy—and a very carefully thought out one at that—an attempt has been made to introduce three measures in order to provide a basis of imple-

mentation of that agricultural policy, and I had hoped to introduce them in this order: an agricultural Ordinance which would coordinate a whole host of existing machinery and regulations and ordinances; a Water Bill, which is most essential; and lastly, this particular measure of providing for the proper off-take for the stock industry, which refers to slaughter stock. The result of introducing those measures—and I think everyone agrees something of the kind is necessary, though they would only agree on their own terms—is that I now find myself in the position that, instead of introducing these Bills, 1, 2 and 3, in their proper order, I am introducing them 3, 2 and 1. But nevertheless I am introducing the first one to-day.

I would stress that this measure is, to my mind, absolutely essential if we are going to deal with the enormous cattle population which we have and if we are going to develop what I hope will become one of the major industries of the Colony. This measure is not another control, nor is it the Government's intention in any way to, what I think you might term, nationalize the meat industry.

It is perhaps unfortunate that at the time we are introducing this measure here it has been suggested in the United Kingdom that the meat industry should be nationalized, but we have no intention whatever of doing that here. It is our intention to produce a public utility or to produce a co-operative which will work, which will develop this industry, with upon it the minimum number of Government officers it is possible to put on such a Commission, and then merely to safeguard Government finance. Government is fully aware that it is not desirable for a quasi-government body to run this sort of big industrial or commercial enterprise as a public utility or producer co-operative. It must nevertheless to a reasonable extent safeguard the interests of all concerned, and I think when we come to the various provisions of the Bill that hon. members will see that we have had these necessary safeguards in mind in drawing up this draft Bill.

Lastly, on generalization, I would again stress that this proposed Meat Commission is not an instrument for the reduction of stock, or what is commonly called de-stocking, in the African areas.

[Major Cavendish-Bentinck]

It is to provide for the marketing in the best interests of all concerned any stock that comes out of the African areas, but the whole question of limiting stock, whether in the African or European areas, to the carrying capacity of the land is one of agricultural administration or administration generally, and has nothing to do with this utility and commercial concern.

As this Bill gives very far reaching powers to a Commission, I hope Council will bear with me if I again draw its attention to a few aspects of this industry, which I think will persuade most members that some enterprise or institution of this kind is very necessary.

Before the war, in regard to European cattle, these were sold through certain societies such as the Stockbreeders Society, and by bargaining with individual butchers and so on. There was no fixed price. There was no certainty that sales could be effected. There was absolutely no encouragement for the production of quality beef or mutton. The proceeds of the hides and skins were, I think hon. members will agree, largely wasted. The ruling prices when the Livestock Control was set up in 1940 after the war had started were 22 cents a lb. grade beef, and third quality was 17 cents, and in 1941, the first year in which the Livestock Control had bought European cattle, we bought 11,000 head, and I will give you figures in a few minutes of what we are buying today. As regards African stock, the owner, when he sold at all, which he was very reluctant to do, sold mostly to itinerant dealers who went through the reserves picking up a few beasts here and there by barter at the lowest possible prices. The cattle changed hands frequently before finding its way to the final market, and incidentally spread disease all over the country. There was no assured outlet for African cattle, and very little encouragement for the African to sell.

When the Livestock Control was introduced during the war, which we had to do, it was given compulsory powers to purchase all European slaughter stock, and all individual African reserves were given quotas based on the cattle population, or what we thought it was, and those quotas were sold under compulsion to the Livestock Control. It may be in-

teresting if I quote a few figures, for I want to establish the fact that if we do not rationalize this industry and provide proper facilities the numbers we are going to have to deal with are quite beyond control and are bound to react to the ruination of our country and to the detriment of all stockowners of all races.

When the Livestock Control was instituted, during the first two and a half years we bought something like 170,000 head; that is in two and a half years. In 1943 we bought 144,600 head, in 1944 139,000, in 1945 (when the war was coming to an end), 107,000, and in 1946, in round figures, 87,000. At the end of 1946 compulsion was removed, and I anticipated that for a few years we should only buy a very few animals indeed from native areas. I will come to what happened after that period presently. The European figures are: 1941, 110,000; 1942, 14,000; 1943, 15,000; 1944 about the same, 1945, 20,000; 1946, 17,000.

At the end of 1946, and the beginning of 1947, we did away with Livestock Control, we did away with compulsion to sell to it, but we instituted something to deal with this cattle and generally to deal with the situation. Government introduced in 1947 the Meat Marketing Board. The Board has been set up to provide for an assured market for European and native-owned cattle at fixed grade prices, grade and weight. The European stockowner has no alternative but to sell to the Board. To provide the utmost encouragement to the African stockowner, auction sales in native areas have been generally opened, but outside buyers as well were allowed to buy and sell under permit given by the Administration in competition with the Board's buyers. This system of auction sales has been steadily extended during the three years of its operation, and although during the three years the Board may have bought fewer cattle in the reserves there is little doubt that these sales because of the presence of other buyers, are a definite success, beyond my wildest dreams. (Hear, hear.)

But the Meat Marketing Board, functioning as it is to-day, is functioning under tremendous limitations. There is a rising demand for meat of all kinds which keeps steadily ahead of the supply, or has done, and the Board has no means of maintaining a reserve of any kind either in cold storage or on the hoof. Sup-

[Major Cavendish-Bentinck] plies of cattle and small stock obviously fluctuate according to seasonal conditions, and as stock becomes more valuable stockowners become more insistent that they should be allowed to sell as and when their cattle are in good condition. On the other hand, obviously supplies to the towns, the army, shipping and for other markets are required for steady development.

I would at this stage give you figures of what the Board has bought since its inception: In 1947 we bought 22,000 African stock, in 1948, 40,000; in 1949 between 48,000 and 50,000. In addition a greater number than has been bought by the Board has been bought by outside buyers; mostly of slaughter stock, for consumption in native areas. Regarding European stock, the numbers are going up. In 1947 we bought more than at any time during the war, 20,500, in 1948 about the same, and in 1949 have bought well over 25,000. But, as I say, with no cold storage and completely inadequate holding grounds, and inadequate stock routes (which are receiving Government's attention at the moment) we have been faced with a succession of gluts and scarcities and great difficulties. Another serious factor, the results of which are daily becoming more apparent, is the immense waste which results from the present system of slaughtering cattle and small stock. We are losing the value of a very large quantity of potentially immensely valuable by-products. We are forced to buy cattle in bad condition at the wrong time. We have no system of processing hides and skins by the approved methods or dealing with condemned carcasses which are a very great loss to stockowners. There is also the danger of the consumer suffering from lack of a proper grading system which ensures that those prepared to pay for decent meat are going to be given decent meat.

The loss to the meat industry as a whole under the present system is enormous. The present difficulties that we suffer from will only be accentuated as increased production develops and further supplies of meat become available from both the European cattle owner and from the potential resources of the native reserves. The minimum computation that we have of cattle in the native

areas is at least 4-million head, and the natural increase of 4-million head, though I do not say it is, is something in the region of 600,000 a year. We have got to do something to provide means of absorbing as much of that as we can get and put on the market to make room for the youngsters. This was fully realized by the Planning Committee, by the Development Committee, and £50,000 was recommended to be set aside as a token sum towards the cost of a central abattoir and factory.

Having, I hope, satisfied hon. members that it is absolutely essential that we have an institution of this kind, my next task is to satisfy you before coming to the details of the Bill that reasoned and proper inquiries have been made, and we can with confidence tell you that this proposal of a Commission given a monopoly and so on is going to be a paying and economic proposition.

It is natural that attention should be given to the Cold Storage Commission of Southern Rhodesia. Its operation is not entirely dissimilar from ours; it has had fifteen years' experience, and although it started when Rhodesia was in the depths of depression it has proved a very successful undertaking. In Rhodesia, at the time, prices were so low that it did not pay to produce beef; the country suffered from similar circumstances and produce shortages. Attempts were made to reduce the cattle population in the native areas, but during the time that the Cold Storage Commission has been in being the processing plants have been used for the utilization of by-products, and it manages now to pay very well and has helped producers enormously in paying good prices. Despite that, it sells meat to butchers last year, and in 1948, at an average over all grades of 4½d. a pound cheaper than the price paid by the Commission to producers. The consumer gained, producers gained and the cattle industry is handled in a businesslike way.

Well, naturally we felt that was all very well in Southern Rhodesia, but is it likely to work here? We therefore asked Mr. Miller and Mr. Wandsworth, who are two leading lights, the Chairman and General Manager, of the Cold Storage Commission, to come up here and be good enough to go into our prospects fully, and to give us their advice. I may say they both came up here rather

[Major Cavendish-Bentinck] sceptical of the whole idea. They visited us, and said that in their opinion to ensure economic success we would have to have an assured throughput of 50,000 head of cattle. They had a good look at conditions here, and their recommendation was that it was a thoroughly sound scheme and we should go ahead. We also had inquiries and a complete investigation by representatives of the Colonial Development Corporation. We have also had inquiries by an expert who came out here under the auspices of the Colonial Office. All those people who individually examined our prospects have given us a very favourable report indeed and have urged us to go ahead with this scheme. Indeed, the Colonial Development Corporation were quite anxious to come in with us, or rather to take charge of us, and they showed that they felt it was a very sound scheme.

In addition to that, we endeavoured to engage a person—we realized this was a highly technical business—who has had very long experience of the packing industry and of this type of investigation. That gentleman was in a very good position; we invited him to come here and, quite naturally, he said, "Well, I have got a very good position where I am. I like the idea of starting something new, but before I do that I want to make sure that it has prospects, that I could make a success of it". He came up and examined the whole thing again, and he equally was satisfied that our prospects were extremely good. The estimates, plans and everything that we had drawn up we based on the most conservative possible lines. We estimated, when he went into our figures, on the basis of a throughput of 40,000 head, and we discounted handling any small stock at all. Now last year, that is 1949, the Meat Marketing Board will have handled 73,000 head of cattle and 132,000 head of small stock. If your basis is that, it would come out profitably and make a good showing on 40,000 head, and you are handling, I would say, a minimum, because I am sure it will go up from year to year. If we have 73,000 head plus 132,000 head of small stock I submit that our prospects are pretty good.

Like all Bills of this kind which affect people, this Bill is proving fairly contentious. I would repeat what I said a few minutes ago; that is that we have

tried in the provisions which exist in the Bill to safeguard the interests of producers and consumers. I know that fears were expressed, for instance, that we were going to take a monopoly of the hides and skins trade. It does, I admit, rather read like that in the Bill—I will come to that when we come to deal with the Bill in detail—but that is quite untrue. All we ask for is a monopoly of the hides and skins of those animals which are bought by the Commission and go through the Commission's plant. It has also been suggested that we may react unfairly or unreasonably to the African consumer or any other form of consumer. Well, I have explained what has happened in Southern Rhodesia as regards the consumer position. Meat has undoubtedly gained by the nationalization of the industry in that country. As regards the African areas in this country, I do not suppose that consumers anywhere in the world have been so exploited as the African consumer of meat is to-day in the African reserves, and I believe that this Commission, when it gets going, can provide meat for the African in the reserves at about a fifth, at least—at the highest—of what the unfortunate African is having to pay for it to-day.

I know there are certain fears also expressed by persons who belong to certain religious communities, and all I can say here is that that is not a new factor that has had to be taken into consideration in dealing with this problem. All through the war we had to satisfy the Muslim community that the meat we were providing for the troops and others was done by ritual slaughter in conformity with their requirements. The same applies to the Jewish community and certain other communities. We have, of course, been working in the closest touch with the religious leaders of the Muslim community in this Colony and I can satisfy—doubtless this will come out in the debate—members of those religious communities that these interests and their particular requirements will be absolutely safeguarded.

I am sorry to take so long over that preamble but it was necessary. I will now turn to the Bill itself.

Clause 1. Of course we will have to change the date to 1950 and I would say, in dealing with this Bill clause by clause,



[Major Cavendish-Bentinck] that Government has the intention, if it is the wish of Council, which I anticipate it will be, to send this Bill after its second reading to a select committee, and with that idea in view, as I run through the Bill as quickly as I can, I may draw hon. members attention to one or two amendments which I think will have to go to the select committee, and which may be needed to satisfy members in regard to some of their fears as regards the Bill as it is printed now.

Clause 2 is an interpretation clause. We need not worry about that, except to say that there have been fears expressed that the interpretation of slaughter stock is not satisfactory. I would say that I have put this interpretation to the K.N.F.U. and to the Stockowners Association, and they have produced an amendment which I think is possibly an improvement on this particular interpretation. One of the points I would raise in connexion with this is that fears have been expressed that the Bill may make it illegal to deal in store cattle, immature cattle and trek oxen, but that is not the intention. People will be allowed to deal in store cattle, they will be allowed, of course, to deal in immature cattle, and trek oxen are not covered by this Bill.

Now we come to clause 3, and clause 4 is, needless to say, a very contentious clause. When we were originally drawing up the plans for an enterprise of this kind—I will not say recently, but as far back as before the last war—naturally those who owned cattle agreed they would sooner or later have to sell their cattle to a monopoly, but they naturally said, "If you are going to allow us to sell cattle to a monopoly we will at least have something to say in that monopoly which is going to deal with what is at present our produce", and that is not an unreasonable point of view. I do sincerely trust, and I would plead with hon. members, to regard this enterprise as a commercial enterprise which will be statutorily controlled in so far as is reasonable to control it, in the interests of all sections by the provisions of the Ordinance itself, and not to try and run what is in fact a big commercial company by a whole host of people thinking they represent different interests (hear, hear), because if you try and run a company or an enterprise of vital importance

to the future of this Colony on those lines that enterprise is doomed to failure, as would any business be that tried to run its affairs on similar lines.

For that reason it will be noted in the "Objects and Reasons" that Government intended to introduce this Bill in a form which gave a good deal of latitude about the composition of the Commission, and gave people in this Council a chance of explaining what their views were. The minute the Bill appeared I was told—"Typical of Government, won't face the issue, letting us all down, and it will lead us nowhere to produce a Bill in this form". So I propose on behalf of Government to introduce this Bill quite definitely in a form which will outline to hon. members Government's intentions as regards the composition of this Commission. Therefore, instead of clause 3—which you will see has not less than 7 sub-clauses, I propose, if this Bill goes to select committee to submit on behalf of Government this amendment: "There shall be established a Commission to be known as the Kenya Meat Commission which shall consist of a Chairman and eight members appointed by the Governor in Council". That is one member more than is proposed in the present clause. My reason for that is that, after discussion with all the interests concerned, we felt it would be wiser to have a commission of eight, with an independent chairman, making the ninth, the Chairman to have a casting but not an original or deliberative vote; thereby making a better Commission than was originally proposed.

"Eight members appointed by the Governor in Council." We feel it is wise that the members of this Commission should be appointed by the Governor in Council. It is a Commission which has been given enormous statutory monopolistic powers; it will probably have to deal with very large sums of either public or private money in some form later on, and in view of all those conditions we felt it was only right that the Commission should be nominated by the Governor in Council. "Of whom one shall be a representative of the Member for Finance". There is a proviso to that which I will come to in a minute, but, as it is probable that this Commission will have to start with moneys provided from public funds, it is obviously neces-

[Major Cavendish-Bentinck]

say that the Member for Finance should be represented on the Commission.

"Four shall be representative of stock-owners and shall be selected for appointment from a panel of names submitted to the Governor in Council by the Stockowners Council of the Kenya National Farmers Union"—that is to say, there will be four representatives of stock-owners. "One"—another one—"shall represent specifically African stock-owners". I think I should say here that I regard the composition of this Commission as representing no class of stock-owner, no class of person, no class of anything. Their job is to make a success of this undertaking in the interests of everyone concerned; but we feel it would be wise to have one specifically representing Africans, and for this reason, that I believe we would be very wise, if the African members agree, to have an African on this, not somebody representing Africans, but an African. I believe it will go a long way to help.

"Two shall be persons having wide commercial experience". Although farmers may have run their farms in a very big way and may have had experience of farming, and may in their own businesses be very successful, I do submit that a body of farmers running a business of this kind, which is outside their normal orbit, is not necessarily the best board you can have, in which the people will have most confidence. Therefore we think it absolutely essential that we should have at least two, and maybe the stockowners will provide someone, who are persons who have experience of big business and will help to run this in a businesslike way.

The amendment goes on: "Provided that when the greater proportion of the Commission's undertakings cease to be capitalized with moneys advanced by the Treasury or with moneys the repayment whereof is guaranteed by the Government, the representative of the Member for Finance shall cease to be a member of the Commission and the Governor in Council shall appoint some other person in his place". That means that, once no more money is owed to Government as happened with the statutory Pig Board, this thing will run itself without any Government interference whatever, beyond what is provided for in clause 6.

Sub-clause (2) reads: "The Chairman of the Commission shall during the first four years be appointed by the Governor in Council after consultation with the members of the Commission appointed pursuant to sub-section (1) of this section and thereafter the Chairman shall be elected by the Commission from among the members thereof". In other words, for the first period of four years the Government considers it is essential probably to have a full time Chairman, or somebody the Government feels is a suitable person, but they also feel it is necessary if this thing is going to work well that before that man is appointed by the Governor in Council, the Governor should have some discussion with the eight members of the Commission, to make sure that the person he is appointing is one in whom they would have confidence. Therefore, for the first four years the Chairman will be appointed after consultation with the other members of the Board, but, be it one chairman or three chairmen who are appointed in the first four years, in the first four years each chairman or chairmen will be appointed by the Governor in Council, and thereafter the Commission shall appoint its own chairman.

"The Chairman shall have a casting vote but shall not have an original vote". I have already spoken on that. "The Chairman and members of the Commission other than *ex officio* members"—there is only one representing the Member for Finance—"shall hold office for four years but shall be eligible for re-appointment".

(5) reads: "Any member of the Commission, other than an *ex officio* member, may at any time resign his office by notice in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the Member, and from the date of the receipt of such notice by the Chairman such member shall cease to be a member of the Commission". (6) provides, as in the existing Ordinance, for a whole number of provisos under which the office of member of the Commission shall be vacated.

In other words, clause 3 has been materially altered, and the present proposal is that there should be nine members in all, with the composition I have already read out, and that they should hold office for four years, and that the

{Major Cavendish-Bentinck} Chairman should be an independent chairman with a casting and not a deliberate vote.

Clause 4 deals with the incorporation of the Commission. There is nothing very much there.

Clause 5 deals with the proceedings of the Commission, and I would only say there that we shall have to alter clause 5 (5) in accordance with what we have just decided about the powers of the Chairman.

Clause 6 provides that the Commission may employ such officers and servants as it may deem requisite, and that it may pay to any person in its employ such salary, wages or other remuneration as it may think fit. It also provides that it may appoint a general manager of the undertakings, but that the remuneration and terms and conditions of employment shall be subject to the approval of the Governor in Council. That has been taken great exception to. It has been suggested that, if you are going to have a Commission of the type this one is going to be, it is ridiculous that you should hamstring it as regards the employment of its most important employee. I believe that there may be something to be said for that point of view, and all I can say at this stage is that that is a point which I think might be referred—I do not think it is a point of major principle—to the select committee. I personally do not feel very strongly about it, but I should like to consult the hon. Member for Finance.

Clause 7 deals with certain exclusive rights that are given to the Commission, and it gives very considerable exclusive rights, and also mentions the processing of hides. I would draw hon. members' attention to the fact that clause 7 (1) is subject to the proviso and protective provisions of clause 7 (2), and under sub-clause (2) it provides that "nothing in this section shall be deemed to preclude any person who, immediately prior to the commencement of this Ordinance was carrying on any trade or business mentioned in this section, from continuing to carry on such trade or business". As regards hides, I will again give the assurance, although this may need some slight re-wording, that it is by no means Government's intention that a monopoly in dealing with hides and skins should be given to the Commission. It

is also not Government's intention to close down existing plants but, except under permit, they cannot increase their undertakings once this Bill has been passed.

There is another point which has been raised here, and that is the matter of compensation. It has been suggested that there may be cases in which it will be necessary for the Commission either to impinge on or take over the existing undertakings. I must be blunt about it. One of the undertakings is the Municipal Abattoir in this town which, I think, will have to be moved anyhow. At the moment it is operated by the Municipality, and we are very anxious to include in this Bill a definite clause providing for arbitration or compensation, or at any rate tying down the Commission to provide compensation. I would say that it is our intention that, if an occasion of that kind arises, reasonable compensation should be paid, but I think it will be necessary to provide some method of assessing that compensation and so on, although I am not at all sure whether it is really necessary or wise to put such provision in the Bill. If so, it will have to be very carefully phrased, with the help of our legal advisers. I suggest again that that is a matter—I will explain what the Government's attitude is in principle—but that is a matter to be referred to the select committee.

I have still got a certain number of points to raise, if I am to cover hon. members' fears. I do not know whether you, sir, want me to continue till one o'clock? I am quite happy to do so.

THE SPEAKER: Yes, I think we shall have to interrupt the business now. I believe some motion is going to be made for continuing the sitting.

MR. RANKINE: Mr. Speaker, I have been asked if Council could sit this afternoon and finish the business, rather than having to sit tomorrow afternoon, or next week. Unfortunately I have not had an opportunity of consulting all hon. members, but I understand there is a majority at any rate who would prefer to sit this afternoon. I suggest, therefore, if it is agreeable to you, sir, that we should continue up to one o'clock, in order to allow the hon. member to finish his speech, and then meet again at, say, 2.30.

THE SPEAKER: In order that we can see if there is a majority or not, will the hon. member move that Council now adjourn and resume at 2.15, or whatever hour is best?

MR. RANKINE moved: That Council continue until one o'clock and then adjourn until 2.30 p.m.

The question was put and carried.

MAJOR CAVENDISH-BENTINCK: (continuing): Next, the powers which are given to the Commission are tabulated in clause 8, and I shall move in select committee that powers for dealing with eggs are included in sub-clause (a), because it may be found—I do not say it will be found—that this particular body may be a suitable body for dealing with what I think may become a very big export from this country of eggs or egg products. As regards (a) and (b), hides and offals come into that, and I give the assurance I have given in respect of hides. Under paragraphs (g), (h) and (i) certain powers are given and certain restrictions are imposed, which I think—I will come to that at the end of my remarks—can be justified. But there has been an omission here possibly, to which attention has been drawn, in the powers that are given to the Commission. I think that we may wish to specifically include powers for the issuing of preference shares and specifically include powers whereby, either by a cess or by profits or in one way or another, this Commission can, as was done in the case of the Pig Board, pay off advances either *in toto* or to a degree that may have been made to do it by Government. As it can do that, it frees itself from being dependent upon Government finance. I think it may be necessary to insert some suitable clause there. I have consulted my learned friends and advisers and they tell me it is quite easy and common form to do it in a clause of that kind.

Sub-clause (3) of clause 8, there is an obvious restriction: "The prices to be paid by the Commission for slaughter stock, other than slaughter stock purchased by the Commission..." What I want to stress here, and which may ease the minds of any suspicious people who feel that in running a show of this kind one wants to charge the maximum possible, which one does not want to do if it is to be run to the best advantage of everybody, is that Government here has

the power of fixing the prices to be paid to the producer and the prices to be charged to the retailer. Those powers rest, as they do in other agricultural products. I will take the advice of this Commission. I suppose I will have to fix the price—in fact, I can only do it with the consent of Executive Council, owing to the fact that prices are fixed by Executive Council only.

As regards a matter I mentioned in introducing this motion—the sales of African cattle—there are two points which I wish to make. One arises here and one I will deal with here, because I think it is important. You will see that although it is illegal for any person to sell stock other than to the Commission, provision is made here for the selling of stock at auctions, and also that the Commission may by permit in writing authorize any person to buy other than from the Commission. Naturally the Commission will have to have those powers. They are largely used in Southern Rhodesia quite apart from buying at auctions in native areas, but we do feel that it is absolutely essential to continue the system we have got now whereby outside buyers can buy at auctions. We are proposing that it should not be the Commission only who in writing can give permits in regard to African areas, but that the Administration shall also give permits. I believe that would give greater elasticity to the popularizing of auctions in African areas.

Later there is a provision that distribution of profits that may accrue by the working of this Commission would be made. I am afraid it is under clause 13 but I will deal with it now. Hitherto, when profits have accrued from the sale under some organized marketing system of African produce, those profits have been given back to the African in the form of payments into a betterment fund for the good of the community as a whole, and not unnaturally, and I think I should rather feel the same, an individual gentleman who has worked hard in his own little plot says, "Well, that is not much good to me; I do not get any individual payment, and a lot of my friends who have not provided their effort towards this payment are profiting by it". I do not say they object to it, but it is not an unnatural reaction. In the case of cattle I believe that it will be possible—and I have been into this point carefully—to establish the ownership of

[Major Cavendish-Bentinck] every beast sold at an auction. Therefore, in the case of those animals purchased by the Commission I believe it will be possible at the end of a year that profits are made we can repay to the individual a bonus in the same way as we hope to do to the individual European owner.

Clause 10, restriction on purchase, is one which I think people will say is an unreasonable clause, giving too many powers. All I can say about that is that those powers have been given to the Meat Marketing Commission and they were possessed by the old Livestock Control, and they have worked perfectly well and smoothly over the last two years.

Clause 11 is really to draw attention to the fact that the liability of the Commission should be a first charge on the property, assets, revenues and reserve and stabilization funds of the Commission in the case where moneys have been advanced by Government. Clause 13 I have already referred to, but that provides for surpluses to be given under some control to producers, and can be used for any purpose the Commission feels is suitable. Clause 14 provides for accounts and audit. Under clause 15 there may have to be an amendment, because it is put down here that it is the duty of the auditors to certify as in sub-clause (2) and again give certification under sub-clause (3). I have now been informed by the newly, or about to be, formed Association of Accountants and Auditors that that is not in conformity with the practice of this country or the practice of the United Kingdom—I believe in the United Kingdom no auditor will give a certificate though they do give a report. It is a minor technical matter but I merely draw attention to it.

Clauses 18 and 19 provide rule-making powers. I have been into this at some length, but I felt by going into it at some length I could establish that such an institution of this kind is necessary to our economy and the development of this country; secondly, that we have not gone into this just because it is fun to start a big thing and amusing to talk in large figures. We have had the most careful scrutiny made and an examination of all our plans before we embarked upon it; thirdly, I believe we have taken reasonable precaution in a bill of this kind to meet all reasonable demands from all the

different interests. The main objective, of course, is to reorganize the meat industry for the good of the country as a whole.

—MR. PIKE seconded.

THE SPEAKER: At this stage it would be convenient if Council now adjourned until 2.30.

The debate was adjourned.

Council adjourned at 12.55 p.m. and resumed at 2.30 p.m.

#### WITHDRAWAL OF REMARKS

THE SPEAKER: Before we continue the debate on the motion which is now before Council, I would call attention to what I think is an unfortunate, and certainly an unintentional, reference in the speech of the hon. Member for Trans Nzoia this morning to the Clerk to Council. The Clerk to Council, as you all know, has to be seen and not heard, to be spoken to but he must not speak, and he cannot say anything for himself. The hon. Member for Trans Nzoia said this morning: "Members on this side of the House have often protested against not having a Clerk to Council who would do the business of the House and who presumably would know the correct procedure". I would suggest that that passage might quite nicely be withdrawn altogether, because it is not a matter which affected the Clerk of the Council at all, and I think the hon. member was probably under some misapprehension in referring to him in that manner.

MAJOR KEYSER: I most certainly withdraw it. I was not, of course, talking about the present Clerk to the Council at all. I really meant the office of the Clerk to the Council, because we have asked on several occasions for a whole-time Clerk to this Council—that is what I was referring to. I regret if it was misunderstood. I never intended it to refer to the present Clerk of Council at all.

#### \*KENYA MEAT COMMISSION BILL

##### SECOND READING

The debate was continued.

DR. RANA: Mr. Speaker, I rise to oppose the Bill moved by the hon. Member for Agriculture this morning. I have purposely omitted the words "most vigorously", because after hearing the explanation and having complete trust and confidence in the fairness and justice of the mover of this Bill, I purposely

[Dr. Rana] have refrained from the word "vigorous". As a matter of fact, I am very grateful to him that, because of the doubts and fears which have been prevalent in the entire section of the Muslim community of Kenya of all denominations, the Bill is to be referred to a select committee.

It is not my intention to waste the time of this Council in going through it clause by clause, because, as the hon. mover has very kindly agreed that there should be a select committee, there will be enough chance given then to go into each clause in detail. But, on behalf of my community, I should like to give certain reasons for my opposition. I hope I will be pardoned for bringing in religious questions into this Council, because unfortunately nowadays religion in many sections of the people is a thing of the past, and they say that religion should never be mixed with politics. But taking our Islamic faith and our Islamic way of life, we Muslims, it does not matter of what race, though we are backward in many worldly things, we believe a very great deal as far as fundamental principles are concerned. Our Holy Book—I mean the Koran—is, I think, the only religious book in which certain definite (fundamental) rules have been mentioned, which no Muslim at the present time can ever depart from.

As the hon. mover has rightly said, this Bill is going to be for the good of the country, both for consumers and producers, and I have no wish to deny that fact. My only reason for opposition is that, after saying that there are certain fundamental rules in our faith, one is what we call ritual slaughter. Not only Muslims, but other sections, like the Jews, Sikhs and others, also believe in that. I hope that when the select committee considers the Bill a number of further amendments will be embodied in it which will allay the doubts and suspicions of the people who may not like this, call it monopoly or call it corporate body, or whatever it is.

Secondly I am satisfied as far as ritual slaughter is concerned, and I hope that both in Mombasa and Nairobi abattoirs, which will come under this Commission, they will see that there is a section where the animals, whether small or big, are slaughtered according to our Islamic principles.

Besides slaughtering there is one other important aspect which hon. members are perhaps aware of. That is that every year every Muslim who can afford it, at the time of our Hajj pilgrimage when our people go to Mecca, is supposed to sacrifice one goat. It does matter whether it is young or old or healthy. For that purpose a fairly large number of small stock is needed, in Mombasa and Nairobi and other parts of Kenya, and I hope that the Commission when it is appointed will see that this right of ours is not jeopardized. We also have other obligations. For instance, whenever a Muslim gets a son he has to give two goats—what we call Akika—and for a girl one goat. That is a kind of religious thing for which the Commission will have to make certain allowances to the Muslim section of all denominations for religious purposes. That is as far as the religious side is concerned.

Coming to the commercial side, after all, it is going to be a commercial concern, I absolutely agree with the hon. mover in his desire, and it is the desire of many members who are interested in this, that it should be a success, but in any commercial undertaking they always think of the consumers as well. Now I am not complaining, and I am not in a position to say what is happening, but over 80 per cent of the population of Mombasa and the Coast consists of Muslims—Arab, African, Somali and Indian Muslims—which is a very big factor as far as consumption is concerned, and I hope it will be to the interest of the Commission to see that the consumers' religious beliefs are not in any way jeopardized. I am convinced of one fact which I have seen all through my life in India and here, and even in England, and that is that the British nation has one big qualification, that they never interfere with the religious beliefs or faith of any people. It is on that assumption that I am pleading that, whatever Commission is appointed, these things should be embodied and the people should be assured that whatever meat they eat is slaughtered according to their religious beliefs.

Before I leave this subject, may I quote one section of the "Memorandum of Objects and Reasons", where it says: "Such a composition of the Commission will command the confidence of the general public as possessing both the

[Dr. Rama] technical and the business experience necessary to ensure the commercial success of the undertaking. Government will therefore welcome an expression by the Legislature during the passage of the Bill in the Council as to the precise composition at which the proposed Commission should aim.\*

I feel that in order to make any commercial organization a success it is necessary to have the technical and the commercial side also strong, but at the same time you must keep a check as far as the consumer is concerned. If the thing is not organized properly right from the start it will take Government and the Commission a long time before they can persuade the Muslims that the meat is properly slaughtered. I may venture to say that it does not matter what race he is, a Muslim always gives high priority as far as food is concerned, and that is, we must have a meat dish in our food. We are not people who live on vegetables. Meat is one of the biggest items in our daily food, according to our means. For that reason I would submit that if possible there should be a Muslim on the Commission. I am not saying he must be an Indian Muslim or an Arab. There are some European Muslims and also Africans, but I would suggest anyone who has the confidence of the community would be suitable, so that in the case of Muslim questions arising he will be in a position to tell the people what is the true position.

I have been approached by a certain number of Arab Muslims about one matter, and I am only sorry that both the Arab members are missing, as I shall have a difficult job to express the views of that section of the Muslims. Even today under the present Marketing Board Arab Muslims are bringing cattle and small stock in from Lamu and various places, which they sell to the Meat Marketing Board, and I hope that when the Commission comes into force the people who have been in this trade will not be deprived of their livelihood and will be allowed to keep on with their trade. I think from a commercial point of view it will be useful. It is at their own risk they take the cattle. If they die no one compensates them. They bring them to Mombasa, and if the municipality inspector condemns a carcass even then they have to suffer, and the Meat

Marketing Board finally take 5 per cent commission which does not always come on to the consumers' price, but there it is. They are very much afraid that they will be losing their livelihood.

Regarding the butchers, their European members and Asian members last year sent me a memorandum and mentioned certain grievances to put before the Butchers Association so that they could put their views more forcibly. I would not like to waste the time of the Council in going all over their grievances, but I would submit that justice should be done as far as their grievances are concerned. As I said, I will not go into details but one thing struck me, and though I may not be present when the hon. mover replies, I would say with regard to clause 2—"small stock" means sheep, goats, hares, rabbits and poultry; "poultry" means fowls, chickens, geese, ducks, turkeys, guinea-fowls and game birds;—I am not convinced that this will help to make the profits of the future Commission any bigger. In a country like this, every African and Asian round about Mombasa picks up two *kikas* under his arm and comes to town and sells them. In my opinion these definitions are superfluous. It will not add to the profits of the Commission. On the other hand it will lead to worries and annoyance, and the fowls will be consumed by people whether you have control or not. Under the circumstances I submit that these things—goodness knows how many things there are—should be deleted and the Commission should only deal with cattle and sheep and goats. We have real poultry farmers and they have got good organizations. I am fond of chicken soup, and if this is to be a monopoly perhaps it may not be so easy to get it!

These are the main points which I feel the hon. mover has to a very great extent already dealt with, but when the Bill actually goes to a select committee I would like inserted some clauses giving assurance to lay at rest the doubts and fears of the various sections concerned.

With these few words I beg to oppose.

MAJOR KEYSER: Sir, I rise to support the motion and in doing so would like to say a few words about the very long and patient toil that has culminated in this Bill coming before Council, and the patient way in which the hon. mover has

[Major Keyser] met representatives of various interests for some considerable time past, in order to get their views on this Bill which is of such very great importance to the stock industry of the Colony.

Owing to the fact that he has covered the whole range of the Bill in his very excellent speech there is not much to comment on, but there are just one or two points that I was not quite clear on. One was the matter of arbitration. I know that it is felt that there should be a clause in the Bill allowing for arbitration, not only in the case which the hon. mover mentioned—that is, in the case of an existing business that is going to be put out of court by the Commission coming into being—but also in the case of a dispute between a butcher and the Commission over the condition of meat delivered to the butcher, or between the Commission and a producer over the matter of cattle delivered to the Commission, and I would like the hon. mover in his reply to tell us whether it would be possible to include some such clause in the Bill.

The hon. Member mentioned that he hoped that eventually the industry would pay off the money loaned from Government and would itself become the owner of the Commission and its undertakings, and that in fact the Commission would become a co-operative society. I would like him to tell us whether it would be possible to embody that in the Bill, so that there is no doubt that that is the eventual object. There is also the matter of cattle being slaughtered by producers for their labour. This does go on to a very considerable extent. Most farmers give their labour a meat ration, and very often this is either killed on the farms or divided between two or three farmers who slaughter alternately. Under these regulations they would, of course, be committing an offence if they did that, and I do think in the Bill it should be made clear that that is not an offence.

The hon. member referred to the question of auction sales that take place in the native reserves. I am told that there is some difficulty at present for farmers who wish to buy young trek oxen at the sales. They buy the young oxen and train them themselves and their older animals are sold as slaughter stock. That has gone on for a good many years,

but the supply of immune native cattle is getting rather short with the very big amount of dipping that is taking place, and there are a number of farmers who would like the facility of being able to buy at these auction sales. I do not know whether under the Bill they could, but I think provision should be made so it is quite clear that they can buy at these auctions.

Sir, I beg to support.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I rise to support the Bill, subject of course to its going to a select committee, because I think there are certain items in it which should be gone into. One of the points I would like an assurance from the hon. mover on is that the question of the monopolistic powers of the Commission will be reviewed at the end of ten years. My reason for doing so is that there is a very strong feeling in the country against monopolies, a sort of natural nervousness of monopolies, and at the same time I think protection should be given to a new industry of this sort (particularly as it involves expenditure of public funds) for a period. If we went by the Industrial Licensing Board we would give protection, as far as I remember, for five years only, but in view of the fact that it is public money I think that protection should be extended to ten years, for by that time the Commission should be either so successful that it is in no fear of competition or, in case of its having been a failure, it should properly come into competition with other organizations.

The hon. Member for Trans Nzoia raised the point of a farmer slaughtering his own stock, and on that, which I most heartily support, I would ask the hon. mover to give us an assurance that permits will be freely given to outlying and remote farms to purchase stock, very often from adjacent native reserves, for slaughter for meat for their labour, as otherwise the issue of a meat ration for labourers might be extremely difficult.

One other clause, No. 8 (3), prices to be fixed by the Governor in Council. Now naturally I support that clause because we live at the moment at a time where all prices are fixed, but I think we should be rather careful to insert somewhere there a caveat in case the position where there meat and slaughter stock remained the only commodities

[Mr. Macdonochie-Welwood]  
controlled by Executive Council. If no such caveat is put in here it would mean that the Meat Commission might remain the only controlled product, because all the other price fixations which are governed by legislation, which is enacted to the best of my memory every year might have disappeared. This clause would clamp control on meat forever, which may be very desirable—I am not suggesting it is not—but I would not like it to be the only one.

I do not think there are any other points that can reasonably be raised at this stage, as if the Bill goes to select committee the other points I meant to raise are matters of detail and not of principle, and can best be raised in the select committee.

MR. CHEMALLAN: Mr. Speaker, this is a Bill which is regarded by the African community, and particularly the pastoral Africans of this country, as very important. Speaking as a pastoralist myself, I am happy to say that Government has tried to make the situation fairly comprehensive as far as the African community is concerned, and most of our fears with regard to the establishment of this organization have more or less been met. It is true that the African people of this country really desire an organized system of marketing for their stock, but we must not forget that at the present moment we are still embarked on destocking in most of the African districts of this country. Here I must say that Government, as well as the African cattle owners, have a great responsibility to undertake so as to ensure proper preservation of the fertility of our land, but I must say that the way we are going to do that should not be in such a way that will discourage the African from bringing his surplus stock to the market.

The hon. mover mentioned during his speech that public auction markets had been a tremendous success in the African areas. I must say I agree with that, but not entirely, because public auction markets for cattle have not been successful in all the pastoral districts of Kenya. It is only in one or two districts where it has really been a success, and it is here that we are very much afraid that although provisions are given probably for the establishment of public auctions in the African areas, I do not really

think that this will be the case. We are always given an excuse that most of our African pastoral districts are debarred by farmers from producing cattle for the consuming areas. They say if traders were allowed to go from the producing areas with cattle into the consuming areas through the farms there would be a danger of spreading disease, and this is why, as I just said, auction sales have not really been a success in all districts. If Government is not going to see to it that these areas which have farms in between them and the consuming areas are given the chance of passing through their surplus stock into the consuming areas, I do not think auction sales would be a success at all. That is why I have an objection to the proviso, clause 9 (3). This actually confirms the sale of slaughter stock by a native to a native within a district. I see very well there is provision to give more freedom to African traders, but I should be very happy to see that proviso widened, so that it does not only confine the sale of slaughter stock within districts.

Finally, as regards the provision for African traders to attend these auction sales, I am very happy indeed to see these powers have not been confined to the Meat Commission alone, but have been extended to the Administration. I hope that is a step forward to solving the problem, because each district, through the district commissioner, will make their own arrangements and possibly find a way of getting cattle sold at auction markets through into areas which need them. I am very happy to see this Bill is going to go to a select committee because there the African members will be able to bring out all the details which give us uneasiness in regard to this Bill.

One point, sir, the question of holding grounds. I am sure the Commission is going to require land in which to hold their slaughter stock in the areas in which they buy them. I am afraid I am going to disagree with any proposal of such holding grounds being in African areas, because this would certainly cause Government to get into political trouble on the question of land. One further point, I must stress that the provision to establish public auction markets for the Africans in their districts is given all the possibilities because during such times as when there is drought the African has really a large number of stock to sell.

[Mr. Chemallan]  
They may be stock of poor quality but there would always be somebody to compete and give a fair price. This would really encourage our pastoral tribes to put surplus stock voluntarily into the market, so that it may enable them to co-operate in saving the land. That is a very big point on which I would like the hon. mover to give me an answer on when he replies. Those are the main points.

MR. USHER: Mr. Speaker, as my remarks will be mainly critical I would like to say that, if anything could have converted me to a type of Bill which I intensely dislike, it would have been the manner of its presentation by the hon. mover, and I want to say very sincerely, also in order to disarm criticism on that score, that I know—or I think I know—how deeply in debt the whole country is to what he has done for the agriculture upon which we do chiefly depend. (Hear, hear.) As the matter is to go to a select committee I would just like to make one observation on that, and that is to express a hope that the select committee may, if there is time, travel anyhow so far as the Island which I have the honour to represent, because I think it would be as well if only one member of it, or if possible more, could see a certain trade as it is operated. It is very difficult to get a picture of these things from a distance and merely from a written account.

I do not wish to oppose the motion, provided that I understand what is the principle of the Bill. I take the principle to be as stated in the first sentence of the "memorandum of objects and reasons". That is, "The object of this Bill is to establish a statutory corporation to be called the Kenya Meat Commission which will take over the functions of the present Meat Marketing Board and will exercise certain additional powers". If it does not go beyond that then I shall be most happy to support the second reading.

THE SPEAKER: If the hon. member reads the long title he will see it goes much beyond that.

MR. USHER: I shall say no more at the moment.

THE SPEAKER: The long title is quite wide.

MR. USHER: I do appreciate the fact that this Bill brings to fruition the investigation and thought of four years at least. We know that the project was suggested at least that time ago, but I am sure the hon. mover will understand that he must expect criticism and suspicion on account of the rapidly with which it has been proposed to put through this legislation. This Bill was published about a week before Christmas, I think, and I think it is also correct to say that the only interests concerned, whatever that may mean, which were consulted as to the provisions of the Bill, were the producers themselves. (MAJOR CAVENDISH-BENTINCK: No, sir.) If that is wrong, I am certainly prepared to apologize. I said, "As to the provisions of the Bill". I know the Master Butchers' Association had been consulted, their views had been asked, but as to the provisions of the Bill I do not think they had been consulted. I doubt whether the dealers of hides and skins had. I feel consumers had not—and what is not least important—that the taxpayers as a whole had not, and it is a complicated and difficult Bill to understand in a short time. I do acknowledge the help that has been given to my constituency when General Edwards so kindly came down and explained matters to us, but that was getting late in the day.

Of course, the principle of the Bill, as I said, is offensive to me and I would have thought it was offensive to so many hon. members who are now supporting it; but I thought of Hudibras, in my surprise at this thing, and I remembered these words:—

"What makes all doctrines plain and clear?

About £200 a year.

That which was proved true before  
Proved false again? £200 more!"

In fact, there is an interest in this matter which has moved a great many people to abandon a principle which they would have asserted before. I am not going to have words as to whether this is bandy words as to whether this is nationalization. I would suggest that is not the proper word at all for it, but I do consider it to be what we have learnt to call a parastatal concern. A parastatal concern, I think, is the kind of concern that was backed by Mussolini and which brought Italy to economic ruin just before the war.

[Mr. Usher]

We have, I think, been asked, virtually asked, to vote a very large sum of money to provide public funds for the financing of this project. Indeed it may be necessary we should do so, but the people in my constituency want to know upon what grounds they can suggest that I should support the expenditure of so large a sum of public money. I do not say that that has yet arisen, but it is likely to arise as we are warned in the "Objects and Reasons". We do know that property has been purchased, we have heard that a lot of machinery has been ordered and an organization set up; and all this has, as it were, prejudiced the case. But we know nothing about what funds already exist, what other resources already exist, what organization is proposed. In short, how this money is to be spent. I do know this, or I suggest this, that the project is being launched, or is proposed to be launched, on the top of the market, and as it depends upon the maintenance of certain prices for by-products I feel that upon these grounds it may be regarded as a speculative project.

May I pass to the hides and skins industry or trade, the nature of which is not perhaps fully understood. The extent of it is considerable, £900,000 of exports are seen in the last Trade Report that we have for Kenya; there was another half a million from Uganda. It has been suggested that the trade merely handles this commodity and otherwise takes no interest in it. In other words, that it has not taken trouble, and that consequently the hides are of a very low grade, that its trade reputation is low. But I do want to emphasize this, that the trade itself has done all it could possibly do to improve the quality. Government has helped, but Government has not yet been in a position to do much, although I mention this as a very significant fact—for the first time this year we have voted money for the improvement of hides and skins. Actually, the trade has had the approbation of the Board of Trade at home, and quite properly so, for it has taken all the care it could possibly take and it has in fact constantly seen that the grading was properly done. It has bought alleged first and second grades and down-graded them, and although in consequence the hides are, through no fault of the trade, poor, the market can

trust the local trade in its grading, and that is a most important point.

Fifteen or 16 per cent of the hides may well, in accordance with the provisions of this Bill, be lost to the trade, because the Commission will naturally handle the hides that pass through its hands. I am talking of hides and not of the other skins. Either they will have to be compensated for that, as I understand the hon. mover has agreed, or some other arrangement will have to be made, and I suggest that in all fairness the select committee should give serious attention to some such arrangement as this. First, to preclude the Commission handling hides other than those of the animals it buys. The second goes a little further; an arrangement should be made to let the established trade continue the export business for which they have created the necessary facilities. They have put large capital into this business, and it seems to me only fair that they should handle the business they used to handle and have built up over a period of years.

Then we have the interests of the butchers to consider. I have heard that the secretaries of the Master Butchers' Association have put forward a very reasoned point of view, and I hope it will be possible for the select committee to give consideration to that. They are a necessary link in this trade, so I trust that the committee will be "meek and gentle with these butchers".

The consumer is concerned with two matters, quality and price. The quality, I think, is a matter which is capable of improvement, and if it is at all possible the Bill ought to make provision for a standard grading. That would be most welcome. Is it at all possible, I should like to ask, to have a separate price-fixing organization? Nothing would create more confidence among the consuming public than that this should be effected in some manner.

The taxpayer's point of view has to be considered, too. He has no information at the moment. He sees that there is provision for distribution of profits, but what provision is there for meeting any losses other than by increasing prices to the consumer or by subsidy? There is a great charity in the intentions of the hon. mover, and I am sure the hon. gentleman desires to secure the consumers' interests, but it is not reflected

[Mr. Usher] in the Bill. It does seem to me to be of the rather negative character of the gentleman in the "Elegy on the Death of a Mad Dog":—

"The naked every day he clad  
When he put on his clothes."

We want to see much more of the spirit, the intention behind all this, translated if possible into the Bill itself.

I do most strongly support the case for an arbitration clause.

My last word on the Bill must be a strong plea for calling into action that perhaps not very popular body, the industrial consultants. All the optimism comes, as far as I can see, from those who are interested in the promotion of this Commission, and it would give great confidence outside if it were possible for the industrial consultants to survey the project forthwith and assure the whole Colony that this is not going to be a miserable failure.

I conclude by saying that all will wish well to the producer, they wish him to get a fair price for a good article and, above all, a good joint upon their table.

MR. HOPE-JONES: Mr. Speaker, I did not intend to speak on this Bill, but I do not propose to speak long. I just want to draw attention to one aspect of it that the hon. mover touched on, and it is this:

The purpose of this Bill is not merely to give better prices to the producers, it is not merely to create an abattoir system, it is not merely even to put a good joint of meat on somebody's table. The purpose of the Bill is this. This is a very important industry of this country, and it has not developed one-third of what it might be, and we should give it the opportunity to become one of the leading industries of this country. To do that, what is necessary? First, capital is necessary, capital in large amounts. It must be invested in an abattoir, it must be invested in holding grounds, in cold storage, in properly made cattle lanes to take them across the country. To do that successfully from a start that has hardly yet been made requires, if that money is to have some security, some degree of assistance and protection. In other words, you might as well use the word monopoly. There are occasions

when monopolies are necessary, but it is better that they should be controlled.

My hon. friend referred to the composition of the Board. That Board, particularly if his advice is taken and if the producers look for the best ability available to represent them, and if that Board is representative of ability and business experience, not merely of interests as such, then there is no reason whatever why not only should the Commission be successful but it should be the means by which this industry can be developed from a potentially important one to one of the basic success of our economy in this country.

There are many things that hon. members can criticize, I can myself, but the Bill is going to select committee. I was personally very sorry to hear the hon. Member for Mombasa make some of the remarks he did, but not because I question the spirit in which they were made. I know they were made in sincerity and genuineness, but I believe that some of those remarks might well be withdrawn when the hon. member reflects on what is the purpose of the Bill. The hon. member did make one small mistake of fact which I know he would wish me to comment upon when he said none of the producers had been consulted. I myself as a member of the Nairobi Chamber of Commerce Management Committee was concerned. At a public meeting in Nairobi I was present at a consultation. I know the Master Butchers' Association—

MR. USHER: On a point of explanation I spoke of the interests concerned. I admit I did not feel the Chamber of Commerce had a specific interest.

MR. HOPE-JONES: I was coming to my hon. friend's other point. I was merely giving him the list. He then mentioned giving him the list. He then mentioned the public had not been consulted. The hon. member represents the public on hon. member represents the public on Mombasa Island, other hon. members represent the public in almost every corner and part of this Colony. Even I represent some interests, and if hon. members do represent the public what members do represent the public what more suitable forum for full discussion and debate than is this honourable Council? I am sure the hon. member would wish to withdraw his remark. I would wish to place more suitable for consulting the public than through their nominated elected representatives, and

[Mr. Hope-Jones] that is precisely what my hon. friend is doing.

I do not wish to labour this point—I merely got up to point out that the object of this Bill is to give an opportunity for an industry that is potentially great to become great in quantity and quality. In the opinion of my hon. friend and in my own opinion and in the opinion of Government, certain powers are necessary for a commission to achieve that. Money is necessary, therefore safeguards are given and; this is an important proviso, given, following the advice of my hon. friend, that the members of the Commission should be men of experience, men of business ability, men of executive ability, not merely representative interest. Given that proviso then I have no doubt this Bill is the first step forward to achieving the end every member of this Council—in fact every member of the public in this Colony—must wish to achieve.

I beg to support.

MR. HOPKINS: Mr. Speaker, as the Kenya Meat Commission has been modelled very largely on the Rhodesian Cold Storage Commission and as some hon. members appear to be somewhat doubtful as to the success of the venture, perhaps the most useful contribution I could make to the debate would be to provide a short account of how the organization works in Southern Rhodesia.

At the end of 1948, just about 15 months ago, I had the honour to represent the Board of Agriculture at the Rhodesia National Farmers' Union Congress. While I was down in that country I took the greatest trouble to find out all I could about farming matters in Rhodesia, specially as they compared with farming in Kenya, I having been a farmer also in Southern Rhodesia. What impressed me most during my visit was the meat marketing organization. During the whole of my visit to Rhodesia I heard nothing but praise of it, whether I was talking to consumers, to middlemen, to butchers or to producers. All agreed that it had done a great deal to improve the quality of meat, to smooth out seasonal shortages and surpluses which were a serious difficulty in Rhodesia, and generally to improve the price to the producer and very definitely to reduce it to

the consumer. In Rhodesia, now, the original capital was granted by Government. I use the word "granted" rather than "loaned", because in Rhodesia there seemed to be no question whatever that the money should ever be paid back, on the grounds that it was an organization for the benefit of all sections of the community—the consumers, butchers, producers, African or European. The profits derived from the edible by-products enabled the Commission to pay 4 per cent to Government on the money granted to run all overheads and administrative charges, to pay fair prices to producers, and on top of that to subsidize the price of meat so that it was sold cheaper to the purchaser than the price which was paid to the producer.

In Rhodesia, however, the production of good beef is not anything like as easy as it is in Kenya. Apart from the fact that in Rhodesia the natural grasses are very inferior to ours, they have a rather trying rainy season for the production of beef. They have only one rainy season about the beginning—

THE SPEAKER: Will the hon. member be good enough to state how the subjects he is now giving us a great deal of information about are related to the principle of the Bill which is the subject before the debate now?

MR. HOPKINS: I am trying to show how the Commission is likely to work more smoothly in this country than in Rhodesia, and I have taken Rhodesia because our Bill is very largely modelled on it.

THE SPEAKER: Again I cannot exactly see the relevance of a lecture on the Rhodesian system when we are discussing the principle of a Bill to create a Meat Commission in Kenya.

MR. MATHU: Mr. Speaker, I should like to congratulate the hon. mover on the very able way in which he presented the Bill. I was glad to hear from him that he agrees with us that the payment of some of the profits provided for in section 13 should go to individual producers. It is a very important matter, at any rate as far as the African producer is concerned, and if it could be inserted in the Bill under clause 13 to make it definitely clear that profits, if any, will go directly to the individual supplier of stock, I personally would be

[Mr. Mathu] most gratified, because I do know it will serve—

THE SPEAKER: The hon. member is really discussing a matter which is for amendment in committee. That is a matter which could be amended in committee. We are now dealing with the main principle of the Bill. If we are going to discuss every detail on the second reading we will be here till next Christmas. It is not a matter of principle. If you have no other matter to raise on principle?

MR. DAVIES: With great respect, sir, I think it is a matter of great importance. We should welcome that point to be ventilated, that particular point of the African individual producer getting a return.

MR. MATHU: With deference, the hon. mover raised it.

THE SPEAKER: The hon. Member who introduced this Bill took the very unusual course of introducing the printed Bill and at the same time introducing a large number of suggested amendments which it is hoped to make later on, which has confused the issue considerably, but as far as I can see under clause 13 the question of surplus profits is a matter which can be discussed in committee quite easily, and I would hesitate to prolong this debate by discussing it now?

MR. VASEY: Mr. Speaker, the great majority of members having signified their support of the major principles of the Meat Commission—I have no desire to gild the lily of acceptance—I merely wish to deal with two points of major principle in so far as the operation of the Commission is concerned.

The hon. mover admitted the principle of compensation: During the last Legislative Council when Sir Alfred Vincent was the hon. Member for Nairobi South I heard him say time and again, "If it is the intention, put it in the Bill", and I suggest that a lot of confusion and fears about the establishment of the Meat Commission would be overcome if the principle of compensation and the method of assessment of compensation could be placed in the Bill. (Hear, hear.)

There is one other main point which does not appear clear in so far as the Meat Commission is concerned. A local government authority has the responsi-

bility for the standard of meat consumed in the area from a public health point of view. It is not quite clear whether the Meat Commission proposes to operate a standard at all. If it does, I suggest it will be a veterinary standard and not a public health standard, and I do suggest that when the principles under which the Meat Commission should be operated are gone into it should be recognized that the public health authority of a local government authority should be maintained and respected.

There is only one other point on the question of the Meat Commission establishment. The hon. mover referred to the possibility of, in time, the finance moving into, as it were, private ownership by the establishment of preference shares. As the Meat Commission, if established, through a preference share finance will secure its profits and its ability to pay that dividend through a public monopoly, I suggest at that time some limitation of the rate of interest upon those preference shares should be fixed, and if necessary a body should be set up, or it should be recognized that the Governor in Council should be the body to fix that rate of dividend, so that a public monopoly could not grant too great a rate of income to private individuals.

Sir, I beg to support.

THE SPEAKER: Every time I ask the hon. Member for African Interests for information as to how what he is saying is relevant he will never take the trouble to explain his point. As far as I can see, clause 13 gives the Commission power to pay part of the surplus to suppliers of stock in the form of a supplementary payment. That is already there, and that is all it seems to me the hon. member is asking for.

MAJOR CAVENDISH-BENTINCK: May I explain the point as the introducer of this Bill? Hitherto in dealing with African producers such payments have been made to local native councils, and they have been distributed and used for the Africans as a whole. It is to the African people a very major point of principle as to whether that system should be continued or whether we could introduce a system of paying money to the individual. That is what the hon. member wished to draw the attention of Council to. With all due

[Major Cavendish-Bentinck] respect, I think the point of view of the members representing African interests should be given on this as it is a matter of principle.

THE SPEAKER: I have listened to your explanation with great respect, and I still do not see how, if this Bill gives powers to pay the suppliers of slaughter stock generally, why you should limit or be limited by the Bill to pay two organizations and not to individuals. However, if it is some point that is rather abstruse to me perhaps the hon. member will continue his speech.

MR. MATHU: Thank you, sir. Actually, that clause 13 specified that the principle I am supporting may be followed as far as the African producers are concerned, and that is all I wanted to emphasize, and the hon. mover did admit that in this case they would depart from the usual practice of paying benefits to the whole community and not to those who contributed directly to any particular business. I was suggesting as pointers to the select committee that we shall welcome an amendment to the clause to make it clear beyond all doubt that the profits being distributed would go to the individual sellers of African stock.

The other point I wanted to raise was the point that has been raised by previous speakers on the price. I think it was the hon. Member for Uasin-Gishu who emphasized that the fixation of price should be done by a separate body and not by the Commission, and I wanted to support that. On the question of the protection of existing traders in the commodities that are affected by the Bill, I should like to say that we should like to feel that the African small dealer in chickens under the arm and a goat or two should not be committing an offence under this Bill. That is a very important point. The principle of restriction of sales among Africans only in the same district I think will negative the point which the hon. mover made, namely, the removal or restriction of exploitation of the African community in the African areas by butchers and other dealers, for it might cause a restriction of the area in which people can have business transactions and automatically drive those commodities into the black market. I suggest a proviso to clause 9 (3) which should be gone into in select committee with a

view to widening the scope of it so as not to restrict those people dealing in stock from district to district, say, the Kikuyu from Masai, North Nyanza and Kipsigis, the Kikuyu in Fort Hall from the Kiitui district, which has been going on from time immemorial and which will unduly restrict local sales between those districts.

One word before I sit down is in regard to the constitution. I must say that we do request that in the composition of the Board the African producers, who have four million head of cattle, should have two representatives. One member serving on a Commission has a tremendous and difficult task to put the points of view of all those he represents, and that is why we suggest two, and may I say to the hon. mover that we are definitely of the opinion that the African representation should be done by an African and not by a person representing African interests.

One final word is about terminology. I hate the word "Commission". We have imported good stuff from Rhodesia, but I do not think this word a good one. I wonder whether a commercial term could be used, corporation? I suggest that that be gone into.

MR. BLUNDELL: Mr. Speaker, I have three points of principle to raise. Before I do so I should like to associate myself with the remarks of the hon. Member for Trans Nzoia in regard to the tact and patience which the hon. mover has shown in bringing this measure before us. I should also like to clear up one small point. Knowing the hon. Member for Agriculture has an agricultural policy—and if any remarks I made earlier seemed to imply that I was criticizing that, whether I did or not, I intended to do it solely on the basis of policy in regard to price structure of agriculture.

The three points are these. I hope the Commission will realize through its executive officer the vital necessity of using local knowledge in the purchase of stock, and I also hope it will be possible not to disturb too much of the existing framework which, up to a point, uses Somalis. Secondly, I should like the hon. Member when he replies to give us what is in his mind regarding holding grounds and stock routes. These are not, in my opinion, part of the business

[Mr. Blundell] of the Commission. They are the responsibility of Government as a whole, and I hope the financial side of the Commission will not be overloaded with the charges for holding grounds and the construction and maintenance of stock routes. Lastly, the hon. mover when speaking touched on the question of this Commission and de-stocking. I would be grateful if a member on the other side would set completely at rest these fears. It would be quite wrong and almost certainly financially disastrous if the price paid for the poorer quality stock as a measure of attraction in order to further the policy of de-stocking were above their economic worth. If that happened, the increase in price would mean a burden on the Commission. The Commission would of necessity start life financially severely impeded. I want it clear that if such a course is necessary, then such funds will be provided from elsewhere and not as is the fear from the better carcasses provided by producers who produce a better quality of animal.

I support the motion.

MR. OHANGA: Mr. Speaker, there is just one word that I propose to underline in the Bill. Our interests have already been represented by previous speakers, and I merely rise to say a word or two about an aspect of the principle which has not received enough emphasis from this side. It seems to me that by implication the intent of this measure is to improve the cattle industry of the country, and I emphasize cattle. I would not say meat, because meat only comes from cattle. After going through the Bill carefully I find little that refers to cattle improvement as such in a direct way. It is merely an organization that consumes. Apart from a little profit that might be given to the producers as such, it seems to me that the cattle industry of the country is not likely to be helped very much by the adoption of this particular Bill.

I should like to say, if I may, that side by side with this consuming agency we should like to see a measure for the improvement of the cattle industry of the country, both in African and European areas. Already we have been told that there are up to four million cattle in the African land units, and it seems

to me that if our intention is to improve the quality of the cattle something should be done to make sure it is improved.

I beg to support.

MR. PRESTON: Mr. Speaker, there are two points not yet touched on, and they do concern the principle, in that by this new legislation we shall be putting greater quantities of cattle on rail than ever before. I would like, before I offer my support to the Bill, to get some assurance from Government that facilities for carrying this traffic on rail will be greatly improved. At present it is impossible to water cattle in transit, and loading and unloading facilities at most stations is extremely inadequate. The other point is that there are many districts remote from the railway and it is difficult to get the cattle down to catch the normal trains. I would ask that special consideration be given to these areas, and that it is not the intention of the Commission to take beasts from, say, Solik, send them to Nairobi for slaughter, and then send them back as chilled beef for sale at Lumbwa. The final thing is that I hope when the select committee will make certain that permission to slaughter and sell to local butchers will not be complicated.

SIR CHARLES MORTIMER: Mr. Speaker, I want to refer to the remarks of the hon. Member for Nairobi North on the public health aspect of this project. As I see it, the Bill is quite neutral on the subject, and I think it should be placed on record that there is nothing in the Bill that would derogate in the slightest degree from the responsible powers and duties of a local health authority as given by statute.

MR. HAVELOCK: Mr. Speaker, I welcome the Bill, and especially the addition of at least two persons of commercial experience to the Commission. I would ask one question. I assume that the accounts of the Commission will be studied by the Public Accounts Committee. I hope that is correct, that the accounts will be available to that committee to study as there may be some large Government commitments involved.

MAJOR CAVENDISH-BENTINCK: Mr. Speaker, there have been a number of points raised which I feel require some reply.



[Major Cavendish-Bentinck]

The hon. Member for Eastern Area, Dr. Rana, who unfortunately is not here now, asked me to give certain assurances, more especially in regard to ritual slaughtering. I thought I had given those assurances this morning, and from hearing the hon. member speak one might be led to suppose that this was a completely new problem which arose with the introduction of this measure. It is, I may say, a problem which we have had to face ever since there has been any form of government dealing with very large numbers of slaughter cattle, and we have always managed to satisfy the religious beliefs of the Muslims, and whatever we do is done in accordance with their requests. The same thing applies, as far as I know, to other religions which have the same requirements. I have no fear myself that we can fully satisfy the Muslim communities on this issue. He asked whether it is possible to buy animals for sacrificial purposes, and of course the answer is in the affirmative.

Then I think he meant to ask that a Muslim should be appointed on the Board. I think probably what he had in mind was not so much a Muslim on the Board to satisfy the religious scruples of the Muslim community, but someone also partly to look after certain trading interests in which the Muslim people are occupied. As I say, I think it would be a great mistake to have specific people on the Board for the purpose of satisfying religious scruples. As I tried to show, if each member of the Board was there to represent every type of consumer or trader I think this suggestion would be a great mistake.

He said that there was a lot to be said for Somali trading, and that after all they carried the risk. The question of Somali traders was also raised by the hon. Member for Rift Valley. I cannot agree that the trading done by Somali cattle dealers is done entirely at their own risk. I think that the disease risk to cattle-owners of this country which arises from that type of trading is a great deal more than any risk run by the Somali traders. On the other hand, it is our policy in suitable areas, especially the Northern Frontier, to employ these people, as they are being

employed at the present time, and that policy will continue.

The hon. Member for Trans Nzoia asked whether there should be some system introduced to provide for arbitration, not only on the lines that I have mentioned this morning, that is arbitration in the event of our having to take over some undertakings, but arbitration as between a butcher and the Commission and as between producers and the Commission. That I shall be very happy to go into when the select committee sits, but it is not a thing to decide here and now. I quite understand his point.

He was also anxious to have an assurance on the fact that, embodied in the Bill, would be something to show that it was the intention that in due course this would become a co-operative society. I think I dealt with that this morning, and we will certainly see what suitable provisions can be incorporated in the Bill. He also asked for an assurance that farmers would be allowed to slaughter animals on their farms in order to feed their labour, and the hon. Member for Uasin Gishu also asked whether it would be possible for permits to be given readily to farmers who wished to slaughter on their own farms animals brought from neighbouring reserves in order to feed their labour. Of course, we know quite well that farmers do slaughter animals to feed their labour, and the answer to both those questions is that without any doubt we will make the necessary provision that these things can be done without committing a crime and without undue necessity for a fuss over permits.

The hon. member also said there were difficulties over the purchase at sales in native areas of suitable animals to be used as trek oxen. All I can say is I did not know there were particular difficulties. I think it is necessary that people should have permits to buy at these sales, but these permits should be very readily obtained from any district officer, and of course in the case of movement after these sales we must insist on certain veterinary restrictions if there is any quarantine in the neighbourhood.

The hon. Member for Uasin Gishu said that he did not very much like the monopolistic powers, and he hoped that this Bill would make provision for a review in ten years' time. That point has

[Major Cavendish-Bentinck]

been put to me before, and I should have mentioned it this morning. The trouble which arises is that I am informed by the hon. Member for Law and Order that it is probably impossible to make such a provision in a Bill, and all we can provide for at this stage is that the Bill should expire in ten years. That, hon. members will readily see, would put us and the finances and the whole prospects of the organization in an impossible position. What I think hon. members want is a review of this particular provision only in ten years' time—that is whether or not monopolistic powers should be continued. For that reason I can only give this assurance that we will, in select committee, go into this rather tricky legal question and report back to Council as to what we have been able to achieve.

The hon. member Mr. Chemallan pointed out that some of the sales going on in the native areas at the present time were not as successful as others, and I agree with him, and he said that one of the reasons for that was the difficulty of moving cattle from these particular sales or the areas in which the sales were held to the consumer areas because of farm land intervening. I am afraid that is a difficulty which takes a certain amount of overcoming, but I will perhaps be able to deal with that a bit more fully when I come to the question of holding grounds and stock routes, which I will come to in a minute. I appreciate his point fully.

He also raised a point which was raised by the hon. Member for Rift Valley, saying that he hoped that, in order to encourage all these sales and so on, a fair price should be given even when large numbers of cattle came on to the market, possibly in very poor condition owing to drought conditions. I think I made it clear this morning that we cannot use what is a commercial undertaking and has got to be self-supporting and has got to act in the interests of all, as a political instrument. If Government decides that it is necessary to reduce the cattle population in certain areas, and if in order to induce the inhabitants to co-operate it is considered fair under certain conditions that perhaps more than the bare economic price should be paid for these animals when

they come forward, or if it is impossible to deal with these animals on a strictly commercial and economic basis through a Commission of this kind, then I submit that is a matter for Government to decide as a political issue, and Government must make the money available, but it must not expect the Meat Marketing Commission to do anything of the kind. Indeed, if the Meat Marketing Commission did that, not only would they lose money, which is a serious matter, but a far more serious matter is that they would be entering into the political arena, which is one thing we want it kept out of. (Hear, hear.)

The hon. Member for Mombasa, as he said, was fairly critical, and I appreciate that he represents his constituents and he is, of course, in duty bound to put forward what he considers is their point of view. He suggested that the Bill might have to include provision for compensation in respect of any hides and skins which would no longer be dealt with by the existing trade. Whether he was referring to the Hides and Skins Export Group or the trade, I am not quite sure, but although we will naturally consider whether anybody is injured, I cannot possibly give an undertaking that I was alluding to compensation of that kind when I talked about compensation this morning. That would be impossible, and although we are granting a certain degree of monopoly I would not bring such a proposal into the picture. The whole question of improving the hides and skins trade has been gone into on an interterritorial basis, as the hon. member himself is aware, and incidentally certain money has been provided for the purchase from a cess. I am afraid I should be dishonest if I were to be as complimentary as he was to the traders as they exist to-day. But be that as it may, his point is that we should not have a monopoly. We do not ask for a monopoly; the only thing we are proposing to do is to deal with the hides that come off the cattle that the Commission buys.

He also said that he was most anxious that there should be a separate price-fixing organization, and that should be quite separate from the Commission. I think the hon. member Mr. Mathu raised the same point. If you are running a big business you cannot naturally allow the prices being fixed based on what you

[Major Cavendish-Bentinck] pay for your raw material and what you get for the finished product without even your advice being asked for. It is quite fantastic. Naturally the Commission would have to give their advice. The great thing about this Bill is that under one of the clauses the final fixing of prices to producers and prices to wholesalers is done by the Governor in Council, after taking the advice of the Commission, and if that is not an extraneous party, an independent party at the highest possible level, I really do not know what is. I am trying to provide that in the Bill.

He also asked whether we could be bound down to use the existing exporters of hides to act as our agents. I am afraid I could not give him any assurances on that. He was also anxious that further inquiries should be made into prospects and financial plans, as he said that all the enthusiasm came from those interested in this project. I again hoped that this morning I had persuaded hon. members that the greatest and most meticulous investigations had been made by persons who, as far as I know, had no interest whatever—if they had an interest it was that of putting their own money into it and the possibility of their taking very grave risks with their own money. In all cases we have had the fullest assurances.

MR. USHER: On a point of explanation, I did not really quite mean what the hon. Member has just said. If I did put it wrongly I would like to point out that really what I meant was somebody independent of that type of business.

MAJOR CAVENDISH-BENTINCK: If that is what the hon. member meant I am afraid again I must disagree, because it is a very specialized business. The people who are employed in it are specialists, and though I am only too ready to check up our figures, when you want to have advice on a specialized business you must go to experts in that particular undertaking. If the hon. member wants to be satisfied I would be only too glad to show him all our figures and preparatory estimates, and I am sure we would satisfy him.

The hon. Member for Nairobi North mentioned compensation, which I have dealt with, and he raised a point which had been replied to to some extent by

my hon. friend the Member for Health and Local Government. He hoped that would be an assurance, as far as health standards are concerned, that we should not go on to a veterinary standard but would abide by the present system of medical inspection standards. As far as I know, according to the law we will have no alternative. I cannot say I entirely share his view that the medical standard we act on now gives any greater security as far as health is concerned or is any more accurate as regards condemnations than a veterinary inspection.

MR. VASEY: On a point of explanation, I never expressed views on standards. I only ask for retention of power.

MAJOR CAVENDISH-BENTINCK: He also asked that some limitation should be placed on the rate of interest, supposing preferred shares were issued. I entirely agree with him. The one difficulty that there has always been and will always be in financing projects of this kind is, if you want a public utility which is going to act in the interests of all concerned, to get money at the lowest possible rate of interest. If the underwriting is a sound one lots of people are willing to put money in it, but they not only want control but they want a big slice of cake as soon as the cake is sliced, and therefore in anything of this kind, started by Government with a definite purpose in view, I think it would be absolutely essential to see that rates of interest are strictly limited.

The hon. member representing African interests mentioned this question about profits going to individual owners. I will only say this much on that subject now, that, as I said this morning, is our intention, but again it is not my intention that the Meat Commission should itself keep a personal account in the ledger of every beast bought by every African all over the country. That is impossible. What we will do is to take account of the origin of all beasts bought, and any profits that accrue in respect of these beasts will be handed to the Administration for distribution. It will be up to the Administration to keep a check of the individuals those beasts belong to. That is the only possible way we can do it. I do not want the Meat Commission to get mixed up in any political problem. That is how we are intending to do it.

[Major Cavendish-Bentinck] Lastly, there is the question of holding grounds and stock routes, raised by the hon. Member for Rift Valley and also by the hon. member Mr. Chemallan. That is a country-wide problem, and must be solved on a country-wide scale, and owing to lack of any comprehensive plans we have had tremendous difficulties in holding and moving cattle for the last two or three years. We are getting certain stock routes recognized now and fenced to a very high degree of perfection. We have got certain main holding grounds recognized and we are developing certain further holding grounds, most of them are in European areas, and we are fencing those and looking after them. All this comprehensive planning I regard as a Government responsibility. On the question of looking after them—the expenditure and so on on overheads—I think the Commission will have to be responsible, subject to veterinary control over restriction of movement, and for keeping animals on those holding grounds; but the creating of holding grounds and stock routes in the right places is part of the development of this country and is a Government responsibility. We are dealing with this complex and contentious subject now, and I hope shortly to produce a lot of information to Council, if they need it, on that subject.

The hon. member Mr. Ohanga suggested there is nothing in this Bill to improve the cattle industry of this Colony. This is not a cattle improvement Bill, it is a Meat Marketing Bill, and the two things are rather different. We have made provision in the Bill in clause 13 whereby certain of the profits could be paid over to any person or body of people for any improvement scheme or anything of that kind, but that is what he has in mind it cuts straight across what his colleagues have in mind for payments to individual producers. I know what the hon. member means, that this measure is part of our general plan for cattle improvement. It is part of it, but I do not think schemes for improving the type of animals being produced would find a place in this Bill.

The hon. Member for Nyanza asked for an assurance about rail facilities being improved. Well, we have been in

communication with the railway authorities some two years now on the provision of suitable trucks, both for the movement of cattle and for the movement of chilled carcasses. All I can say is that we have had every possible help from the railways who are themselves in great difficulties, and as and when rolling stock comes along we shall be getting our fair share in the shape of the specialized equipment for this trade. The hon. member also asked us to see that Sotik chilled meat should not go to Nairobi and then back to Lumbwa. Obviously if the Commission is doing its job properly that will not happen. He also says that farmers should be allowed to sell to local butchers and get permits. I give him an assurance that as is the case in Southern Rhodesia, there should be no difficulty about that, none whatever.

Lastly, the hon. Member for Kiambu asked about the Public Accounts Committee, and asked that the accounts of this organization should be submitted to the Public Accounts Committee. I believe that so long as this organization is financed by Government funds their accounts will have to go before the Public Accounts Committee, and I think there is a case where I can give him the necessary assurance.

The question was put and carried.

MR. O'CONNOR: Mr. Speaker, I beg to move: That the Kenya Meat Commission Bill be referred to a select committee of that Council.

MR. PIKE seconded.

The question was put and carried.

#### PUBLIC ACCOUNTS COMMITTEE REPORT

MR. VASEY: Mr. Speaker, although I loathe to delay the Council at this particular time, I feel that, as this is the first time that the adoption of a Public Accounts Committee Report has been moved in this Council, it is important that certain things should be placed upon record. I beg to move: That the report of the Public Accounts Committee on the Colonial Audit Department annual report for 1947 be adopted.

Sir, for the first time in the history of this Legislative Council a Public Accounts Committee has submitted comments on the manner in which the money

[Mr. Vasey]  
of the Colony has been expended, and has attempted to fulfil its purpose of seeing that the money voted for expenditure has been spent within the regulations and for the purposes allotted. It is important, I think, that we should decide the principles on which a Public Accounts Committee shall operate. In paragraph 2 of the report the powers that a Public Accounts Committee should have are set out, and I trust that the Standing Rules and Orders Committee will consider the introduction of such Standing Rules and Orders as are essential to give the Public Accounts Committee all the authority it needs for the discharge of its responsibilities. In paragraph 4 the Public Accounts Committee sets out those principles which it considers must be adopted in order to ensure that its duties are properly carried out.

I would merely comment on (a), that it is a matter of some importance that the Model Audit Act should be hurried forward in order that such an Act can be placed upon the legislative tables of this Council. On 4 (b) I would say that we have invited—and we trust that all future Public Accounts Committees will invite—the Secretary to the Treasury and the Director of Audit to be in attendance at all meetings, and I would like as chairman to pay particular tribute to Mr. Newton and Mr. Cusack for the great assistance they have given to the committee during its formative period. (Hear, hear.) In 4 (c) we decided that, as a matter of general principle, we would consider only those matters to which the Director of Audit had referred in his reports, and that in no circumstances would we deal with subjects which were not mentioned in an Audit report. We strongly recommend that this principle should be adopted for the permanent guidance of the Public Accounts Committee. That is done, and I would stress we think it should be done in future in order to prevent any possibility of the Public Accounts Committee becoming a witch-hunting committee. Unless the real purpose of a Public Accounts Committee is maintained and unless it is prevented from being used as a vehicle for personal or particular complaint other than those referred to in the report of the Director

of Audit, our opinion is that the Public Accounts Committee will fail in its proper purpose.

In 4 (d) we lay down two principles which we think must be observed: (i) where any organization receives its finance in full from public funds a copy of its periodic consolidated accounts should always be supplied to the Director of Audit for scrutiny and any comment he deems necessary; and (ii) where an organization is financed in part only out of public funds a member of the Public Accounts Committee might notify the committee's secretary of any account he proposed for examination by the committee, and steps should be taken to place that account before the Director of Audit with a view to obtaining his report thereon. We believe that both of these recommendations are essential to ensure that wherever public money is involved the responsibility of the Public Accounts Committee of this Council shall be a clearly defined one.

In (e) of paragraph 4 we were faced with a rather difficult position inasmuch as the money of the Colony is involved in such expenditure as that of the East Africa High Commission. It was obvious that a constitutional position had arisen where it would be almost absurd for the Public Accounts Committee of the Colony to refer its comments to this Legislature direct, and we have laid down in (e) the procedure we believe is the best constitutional method of ensuring that any comments made by the Public Accounts Committee on East Africa High Commission expenditure can be dealt with.

In paragraph 7 we arrived at a point in which we felt some strong recommendation must be given. It is, I think, emphasized by some of the budget debates of the past few years, that many times not only the estimates but the final accounts are presented perhaps in greater detail than is necessary, and we felt it very often leads to extended comment where extended comment and waste of time was avoidable. When it came to the accounts we did feel there was really expenditure being involved by too great financial detail being expected, and we have made a recommendation as a result of paragraph 2 of the report that "the Colony's accounts should be presented in no greater detail than is necessary to

[Mr. Vasey]  
provide for complete financial control", and, equally important, "whenever necessary additional clerical assistance should be made available in the Accountant General's Department in order to provide the Audit Department with copies of the final accounts with the least possible delay".

The next paragraph I refer to is 12. There we were worried by the fact "that during periods of heavy pressure at the offices of the Commissioner of Inland Revenue it had not been found practicable to maintain normal routine and internal checks over collections", and that "these periods occur each year and last not less than a fortnight and might persist up to three months". We believe that these internal checks ought to be maintained at all times, and it is important they should be maintained at the time the period of pressure is greatest. We have therefore particularly recommended that "the situation should be further examined with a view to ensuring that normal routine and internal checking is carried out at all times".

Paragraph 14—if I miss anything out and members wish to ask questions I will endeavour to reply, but I am trying not to keep members too long—paragraph 14 deals with one particular recommendation in regard to the Public Works Department. Your Public Accounts Committee recognizes all the difficulties that had been involved on the accountancy side of the department and its staff, but we did feel that it was essential that improvements in standards of accounting and financial control should take place, and we have recommended "that with the wide and somewhat specialized functions of the Public Works Department and, with the great need for proper accounting and financial control in view of the large sums of public money involved, a special departmental finance and accounts code is required, and we recommend that this should be compiled as soon as possible by the department in consultation with the Member for Finance". We feel that that is a particularly important recommendation.

We come in paragraph 15 to something which appears to have occurred several times in the Audit reports of the past: "We were told that many of the 1947

audit queries addressed to the Public Works Department" had not been replied to completely. We did feel that it is important that audit queries should be answered satisfactorily and promptly. "We would record our view that heads of departments should be reminded of the importance of answering such inquiries promptly and fully and in accordance with the requirements of colonial regulations".

Paragraph 16. Your committee dealt with the question of completing vouchers, feeling that instructions with regard to the completion of vouchers must be effectively enforced.

I do not propose to deal with anything more until paragraph 21, which refers to the Nyeri-Karatins electricity supply. The only comment to put on the records of the Council is the final sentence. The Public Accounts Committee recommends that unless the control of the finances of this undertaking be removed from the Legislative Council the audit of all accounts relating to the supply should revert to the Director of Audit.

Paragraph 22 deals with what we recommend should be the process to be adopted by this Council with regard to Public Accounts Committee reports. We believe that these reports are a matter for direct reference to the Treasury, whose responsibility it is to see that action is taken and that the responsibility of the Treasury to comment or act upon those reports should be accepted, but those reports should report such that the Treasury should report such to action or make such comment to the Public Accounts Committee at the following session.

Finally, I would particularly like to express the thanks of the whole of the Public Accounts Committee to Mr. Todd, who has been secretary during its period of inception. It is an experimental period in so far as the operation of the committee is concerned, and Mr. Todd's advice to, and guidance of, and work with the committee has been of great value.

I would lastly say that your committee submit this report in the belief that if the principles of the procedure it has recommended are adopted the work of your Public Accounts Committee in the future will be found to be of great value to the Legislative Council of this Colony.

MR. MATTHEWS: Mr. Speaker, I beg to second. I have only one short remark to make, and that is in connexion with the hon. mover's reference to the Model Audit Act. When I was in England about two months ago I made inquiry from His Majesty's Government as to how the drafting of the Act was getting on, and was told that we could expect it within a month from that time. That was over two months ago. But we shall not let the matter rest, and as far Government is concerned we shall press that it be expedited.

Regarding paragraph 22, the procedure for dealing with the Public Accounts Committee reports is already being followed in the Treasury and will run more or less on these lines. Speaking for my own department, paragraph 22 will be well and truly noted.

The question was put and carried.

#### 1950 APPROPRIATION BILL FIRST READING

MR. O'CONNOR moved: That Standing Rules and Orders be suspended to enable the 1950 Appropriation Bill to be taken through all its stages.

MR. PIKE seconded.

The question was put and carried.

On the motion of Mr. O'Connor, seconded by Mr. Pike, the Bill was read a first time.

#### SECOND READING

MR. MATTHEWS: Mr. Speaker, I beg to move: That the 1950 Appropriation Bill be read a second time.

I do not think there is any need for me to make a long speech on this subject. It is formulated following on the procedure which has taken a good deal of time in this Council in Committee of Supply. The Bill authorizes the appropriation and expenditure of the moneys for the purposes set out in the Schedule, and will replace the interim Appropriation Ordinance passed to permit Government services to be carried on while the budget was being debated. The figures in the Schedule represent the sums actually approved by Council by the adoption of the report of the Committee.

MR. RANKINE seconded.

MR. HAVELOCK: Mr. Speaker, I do not wish to take up the time of Council,

but I do think in fairness to the members, at any rate the European elected members, that I should ask Government to remember the efforts that have been made to reduce expenditure, especially in three departments, and to ask that during this year 1950 Government does everything it possibly can in its power to see if expenditure can be reduced as suggested from this side, particularly under Head 4, Secretariat, and we heard a lot about that this morning so that there is no need to press the point any further; also Head 5, Public Works Department, where a total of £5,000 reduction was moved; and again Head 28, where many reductions were moved.

With the explanations put before Council at that time, I hope Government will go into the details of these heads and scrutinize them very carefully; so that in next year's estimates they may be reduced in accordance with our wishes.

MR. MATTHEWS: Mr. Speaker, it is natural that the comments and statements made during the course of this debate from the other side of this Council should have been listened to with the greatest attention and interest. There have been a number of undertakings given by Government and a number of requests made by the other side. I can only assure hon. members that those statements will be carefully borne in mind, and if any economies or reductions in expenditure can be made that are consistent with the maintenance of efficiency and the proper level of the public service every such economy and reduction will be made. Beyond that I do not think Government can be asked to go. Sometimes it would appear to the uninitiated that at least prima facie certain reductions can be made, but when an examination is made such is not indeed possible. But I think I have already said in this debate and on the motion which led us into Committee of Supply that I considered it to be my function to see that not one penny is spent more than is necessary, and I would remind Council of my statement.

#### IN COMMITTEE

MR. O'CONNOR moved: That Council do resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. PIKE seconded.

The question was put and carried.

Council in committee.

The Bill was considered clause by clause, two typing errors being corrected by agreement: substituting "2" for "3" as the number of the second clause, and "General" for "Gederal" in the marginal note to clause 4.

MR. O'CONNOR moved: That the Bill be reported with amendment.

Council resumed, and the report was adopted.

#### THIRD READING

MR. MATTHEWS moved: That the Bill be read the third time and passed.

MR. RANKINE seconded.

The question was put and carried, and the Bill read accordingly.

#### SESSIONAL COMMITTEE REPORT

##### SELECT COMMITTEES

MR. RANKINE reported that the Sessional Committee had appointed the following select committees:—

Kenya Meat Commission Bill.—Hon. Member for Agriculture and Natural Resources (chairman); Hon. Director of Agriculture, Messrs. Hopkins, Macintosh-Welwood, Havelock, Rana and Chemallan.

Electric Power (Amendment) Bill.—Hon. Solicitor General (chairman), Special Commissioner for Works, Messrs. Erskine, Havelock, Nathoo and Ohanga.

#### ADJOURNMENT

Council rose at 4.45 p.m. and adjourned till 10 a.m. on Tuesday, 21st February, 1950

WRITTEN ANSWERS TO  
QUESTIONS

No. 1 OF 1950

MR. COOKE:

(1) Is Government aware that users of the Nyalí Bridge have publicly expressed great disappointment that there was no reduction of the tolls as from 1st January, 1950?

(2) Will Government please state whether agreement on this matter has been reached with Nyalí Estates and, if so, when the reduced tariff will become operative?

(3) If no agreement has yet been reached will Government please state how soon finally may be expected?

*Reply:*

(1) Government is aware that there has been some disappointment that the tolls have not been reduced as from 1st January of this year.

(2) It is regretted that no agreement has yet been reached.

(3) Government made what it considered to be a reasonable offer to Nyalí, Limited, in order to secure the abolition of tolls on foot passengers and a reduction by 50 per cent of all other tolls. This offer, however, was not accepted. Negotiations are proceeding and although it cannot, of course, be said when they will be concluded, the Government for its part will make every effort to achieve finally as soon as possible.

No. 4 OF 1950

MR. ERSKINE:

In view of the present state of the law which requires the driver of a vehicle to make his own traffic signals by hand, will Government consider amending the Traffic Ordinance, 1928, in order to correct an anomaly by compelling all owners of vehicles with a left-hand drive to fit, and maintain in working order, an approved pattern of automatic traffic indicator?

*Reply:*

Provision already exists in the Traffic (Amendment No. 2) Rules, 1935 (Government Notice No. 917 of 1935), for traffic signals to be given by a mechanical device approved by the licensing officer

instead of by the arm. No amendment of the Ordinance appears to be necessary, but consideration will be given to the desirability of framing a rule making mechanical traffic indicators obligatory on left-hand drive vehicles.

No. 5 OF 1950

MR. HAVELOCK:

(1) Is Government aware that the East African Hotelkeepers' Association is still not satisfied that the Thika Road House does not constitute unfair competition with private enterprise and that the Executive Committee of the Association has no knowledge of any agreement reached with the authorities as mentioned in sub-paragraph (c) of paragraph 2, of the reply to Question No. 47 of 1949?

(2) Will Government obtain from the East Africa High Commission the following information:—

(a) Will the High Commission publish audited accounts of the Thika Road House?

(b) Will the High Commission state whether or no rental has been charged on the capital outlay before the figure of £26 per month average profit was reached as mentioned in sub-paragraph (b) of paragraph 1 of the reply to Question No. 47 of 1949?

(c) Will the High Commission state whether or not the bar is used as a public bar?

(d) Is the bar operating on a hotel liquor licence or a general liquor licence?

*Reply:*

(1) No, sir. It is informed by the Administrator that the agreement with the Hotelkeepers' Association was an oral agreement reached between Mr. Ebenhoch, then manager of the Thika Road House, and the Secretary of the Information Bureau of the Hotelkeepers' Association.

(2) (a) The High Commission will be glad, if desired, to arrange for the audited accounts of the Thika Road House to be laid on the tables of the territorial Legislative Councils.

No. 8 OF 1950

MR. NATHOO:

(b) No rental has been charged on the capital outlay. A renewals fund has been instituted to cover replacements, based on figures recommended by the auditor.

(c) Yes, within the terms of its licence.

(d) The bar is operating on a general retail liquor licence.

No. 7 OF 1950

MR. NATHOO:

(a) Is it a fact that 34 huts of the Kikuyu residing in Kibiko were burnt by official action in October, 1949?

(b) If the reply is in the affirmative, will Government please compensate these people who lost their homes so that they can re-establish themselves?

(c) If the reply is in the negative, will Government consider an *ex gratia* payment to these unfortunate people?

*Reply:*

Huts belonging to Kikuyu who were residing illegally in the Kibiko area of the Masai Native Land Unit were demolished by the police on 19th October, 1949, after repeated warnings, and after demolition orders had been issued by a competent court. Sixteen such huts only are known to have been destroyed.

The people concerned were well aware that the Masai had allowed the Kikuyu to use this area exclusively as a grazing area. As these people had no right whatsoever to reside and cultivate in the area and had previously been convicted for refusing to obey an order to remove made under section 12 of the Native Authority Ordinance and, as a result of that conviction, their huts were forfeit to Government under the provisions of section 12 (2) of the Native Authority Ordinance, Government does not consider that there is any obligation to pay them compensation, nor are there any grounds to justify an award of *ex gratia* compensation in this case. The huts were not demolished until appeals to the Supreme Court had been dismissed.

(a) Is Government aware that quite often members of this Council and other persons travelling to Nairobi by rail on public duty experience considerable difficulty in securing reservations for their journeys to and from the capital?

(b) If the reply is in the affirmative, will Government state whether representations can be made to the Railway Administration so that some solution can be found to this difficulty, which entails considerable hardship and inconvenience to such members?

*Reply:*

Government is aware that on occasion the Railway Administration experiences considerable difficulty in finding accommodation for all upper-class passengers. It is advised by the General Manager that this is particularly so when school children are moving to and from schools at the beginning and end of terms, and also when passenger liners are disembarking and/or embarking passengers at the coast. On these occasions accommodation for ordinary passengers is limited and will remain so until additional upper-class coaching stock is received. Every endeavour, however, is made to accommodate members of this Council or the Central Assembly when travelling to and from their duties, even when their requests are received at very short notice when all accommodation has already been reserved; and they are in fact given preferential treatment. Government has no knowledge of any occasion on which a member of this Council has not been able to be given accommodation even when travel conditions are at their worst—indeed it is advised that it has not infrequently happened that honourable members have been given sleeping accommodation, and sometimes a couple to themselves, when other members of the public have been constrained to accept sitting accommodation only.

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SECOND SERIES

VOLUME XXXV

2nd November, 1949, to 27th January, 1950

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Bills: Read First, Second or Third time=1R, 2R, 3R;  
IC. = In Committee; SC. = Referred to Select Com-  
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